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PUBLIC SOCIAL SERVICES
HANDBOOK OF INFORMATION ON SERVICES
PROVIDED BY THE STATE

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HANDBOOK
OF INFORMATION
ON SERVICES
PROVIDED BY
THE STATE

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FOREWORD

This Handbook was originally published as a pamphlet in 1917. It has several times been revised and enlarged and its practical value is proved by the consistent use of the existing edition (eighth, 1939) and by the many enquiries now being received as to the publication date of the new one.

The extensive changes in existing legislation and above all the wide extension of the statutory social services in the post-war period have necessitated a drastic revision of the Handbook. In addition the format has been considerably altered so that the book may be used as a companion volume to *VOLUNTARY SOCIAL SERVICES* (2nd edition, 1948).

Once again the Council has been so fortunate as to have the assistance of the various Government Departments concerned with the administration of the Public Services described. Special thanks are due to the Ministry of Education, the Ministry of Health, the Ministry of Labour, the Ministry of National Insurance, the Ministry of Pensions, the Ministry of Town and Country Planning. The important part played by voluntary organisations in the provision of many public social services is referred to in a number of places in the text. To them, also, and to several public bodies we are grateful for much valuable help in compiling this handbook.

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PUBLIC HEALTH

A: PERSONAL SERVICES

i. *Central Administration*: ii. *General Medical and Other Services*: iii. *Hospital and Specialist Services*: iv. *Local Health Authority Services*: v. *Special Diseases*: vi. *Mental Health Services*: vii. *Welfare of the Physically Handicapped*.

(i) *Central Administration*

The Ministry of Health is the responsible central authority for the administration of the National Health Service, "a comprehensive health service for the improvement of the physical and mental health of the people and for the prevention, diagnosis and nature of treatment of illness". (National Health Service Act, 1946.)

The Minister of Health is advised by a Central Health Services Council consisting of forty-one members, of whom six are ex-officio appointments, the remaining thirty-five being appointed after consultation with the appropriate associations, e.g. British Medical Association, Royal College of Surgeons etc. The Minister of Health has set up a number of Standing Advisory Committees to advise him and the Central Council; such Committees include members from the Central Council. The Annual Report of the Central Health Services Council is submitted to Parliament by the Minister.

(ii) *General Medical and Other Services*

The local administration of the general medical, dental, pharmaceutical and ophthalmic services is carried out by a local executive council. There is usually a local executive council for the area of each local health authority but in a few cases a single Executive Council has been appointed for the areas of two local health authorities. A Joint Pricing Committee for all Executive Councils performs duties in pricing prescriptions for payment.

Representative local medical, pharmaceutical and dental committees are constituted for the same areas as the local executive

councils, and appoint some of their members to the latter. The local executive councils must consult with them.

GENERAL MEDICAL SERVICE: *Every person is entitled to free medical attention* and may choose his own doctor, with the agreement of the doctor chosen. It is the duty of the executive council to ensure that adequate general medical services are available within its area either at a health centre or elsewhere.

Any doctor who wishes to enter the service for the first time or wishes to practise in a new locality must first apply to the local executive council for the area concerned. The council refers all such applications to the Central Medical Practices Committee.

The Medical Practices Committee consists of a Chairman and eight other members, of whom the Chairman and six members are medical practitioners. The Committee's responsibility is to regulate the succession to old practices and the opening of new ones in consultation with local executive councils, and to decide to which doctor consent shall be given where there are a number of applicants for one vacancy. The Committee may refuse applications only where an area is already adequately served, or the number of applicants exceeds the number of vacancies. An inducement payment (in addition to the normal payment) may be offered to doctors by the executive council, with the consent of the Minister, in certain areas which are inadequately served. A doctor may appeal to the Minister of Health against any adverse decision of the Medical Practices Committee.

Any doctor practising within the National Health Service is prohibited from selling all or part of the goodwill of his practice. Compensation is payable to a doctor who suffers loss through this prohibition. Compensation is generally paid only on retirement or death and bears interest until that time at the rate of $2\frac{3}{4}\%$. Earlier payment may be made, however, in cases of hardship. Parliament has set aside £66,000,000 as the aggregate amount of compensation for Great Britain.

DENTAL SERVICES: Each local executive council makes arrangements with dentists wishing to take part in the Health Service. Dentists may practise in health centres or in their private surgeries.

Since there is a shortage of dentists special arrangements are made in addition by local health and education authorities to give dental treatment to expectant mothers and young children.

Every person may choose his own dentist, subject to the consent of the dentist. Conservation and certain other treatment may be given by the dentist without reference to any other authority, but in the case of extractions necessitating the supply of dentures and various other forms of treatment, the dentist must first apply to the Dental Estimates Board for approval.

The Chairman and a majority of members of the Dental Estimates Board are dentists.

Dental treatment and appliances are normally provided free but a charge may be made:

- (a) Where the patient specially requests a metal type of denture when a vulcanite or plastic denture would suffice (or when such a denture has to be repaired).
- (b) Where the patient requests replacement of a denture damaged or broken through lack of care.

SUPPLEMENTARY OPHTHALMIC SERVICES: The ophthalmic services given under this head are intended as a "stop-gap" measure until adequate ophthalmic services are available through the medium of hospital and specialist services provided under the National Health Service Act.

These supplementary Services consist of:

- (1) Sight testing by medical practitioners having prescribed qualifications, or by ophthalmic opticians.
- (2) The supply of glasses by ophthalmic opticians and dispensing opticians.

When an applicant first wishes to use these services he is requested to produce a medical recommendation from his doctor.

Standard glasses are provided free. For glasses of special types a charge is made for the additional cost. Where glasses have to be repaired or replaced through carelessness the cost is met by the applicant.

The qualifications required to be held by doctors and ophthalmic and dispensing opticians taking part in these services are set out in S. R. & O. 1947 No. 889, as amended.

PHARMACEUTICAL SERVICES: Each local executive council makes arrangements with pharmacists who wish to participate in the Health Service. Drugs, medicines and a range of about forty appliances from cotton wool and bandages to trusses and vaporisers are provided free of charge to patients on production of a National Health Service doctor's prescription. This service is normally available at chemists' shops. The dispensing of medicines must always be carried out by or under the direct supervision of a registered pharmacist or an authorised seller of poisons.

(iii) *Hospital and Specialist Services*

ADMINISTRATION: The administration of hospital and specialist services is carried out by Regional Hospital Boards appointed by, and responsible to, the Minister of Health. Appointments to the Boards are made after consultation with the Universities, medical professional organisations, local authorities and voluntary hospitals in the area. Each Board must include at least two members with experience in mental health services.

The chief functions of the Regional Hospital Board include:

- (1) The appointment of Hospital Management Committees for the management and control of individual hospitals or groups of hospitals, other than teaching hospitals. Appointments to Hospital Management Committees are made after consultation with the local health authorities, local executive councils and the senior medical and dental staff at the hospital, or hospitals, concerned. When vacancies arise on any Hospital Management Committee the Regional Hospital Board must consult with the Committee before making fresh appointments.
- (2) The appointment of officers at hospitals, other than teaching hospitals.
- (3) The maintenance of premises used as, or in connection with, hospitals.
- (4) The purchase and maintenance of equipment, furniture and other moveable property in hospitals.
- (5) The provision of a service of specialists at the hospitals and—if needed on medical grounds—at the patients' homes.

TEACHING HOSPITALS are not included in the services directed by the Regional Hospital Boards. Their administration is carried out by Boards of Governors appointed by the Minister of Health. The University with which the hospital is associated, the Regional Hospital Board for the area, and the medical and dental teaching staff of the hospital may each nominate up to one fifth of the members of the Board.

The duties of the Board of Governors of a teaching hospital include:

- (1) The provision of facilities for clinical teaching and research.
- (2) The appointment of officers.
- (3) The maintenance of premises and the purchase and maintenance of equipment and furniture.

SERVICES PROVIDED: Hospital and specialist services provided under the National Health Service upon the recommendation of the doctor with whom the patient is registered are:

- (a) Hospital accommodation.
- (b) Medical, nursing and other general hospital services.
- (c) The services of specialists either at a hospital, a health centre, a clinic or (if necessary) the patient's home.

Hospital and specialist treatment is free¹ and the Minister of Health can authorise the payment of travelling expenses incurred by patients attending for treatment. Where necessary, payment of travelling expenses may also be made to companions accompanying patients.

¹The fee paying patient of a general practitioner outside the National Health Service is entitled to receive free hospital and specialist treatment if he desires.

When a hospital provides accommodation in single rooms or small wards, this accommodation may be made available to a private patient on payment of the whole cost, or on payment of a charge to cover part of the cost. This accommodation can only be provided on these terms if it is not required by any other patient on medical grounds.

A medical practitioner serving at a hospital, whether in a paid or an honorary capacity, may be allowed to attend private patients on the premises. If the medical practitioner chosen by a private patient is already employed at the hospital where treatment is given, no charge will be made to the patient for the cost of the services provided.

Patients may be charged for all or part of the cost of appliances:

- (1) When a type more expensive than that prescribed is requested by the patient.
- (2) For the repair or replacement of such non-prescribed appliances.
- (3) For the repair or replacement of any appliance, made necessary by the patient's lack of care.

HOSPITAL ENDOWMENTS:

- (1) Those made before November 6th, 1946.

TEACHING HOSPITALS: Where a voluntary hospital has been designated as a teaching hospital all endowments are vested in its Board of Governors.

OTHER VOLUNTARY HOSPITALS: All endowments of other voluntary hospitals are vested in the Minister of Health and held in "The Hospital Endowments Fund". The Minister will apportion the capital value of the Fund in shares among the various Regional Hospital Boards and Hospital Management Committees and distribute its income proportionately. As far as possible the National Health Service Act will not prejudice the objects or conditions of any endowment.

- (2) Those made after November 6th, 1946.

Such endowments are vested in the appropriate Hospital Management Committee or Board of Governors, or in the Regional Hospital Board.

(iv) *Local Health Authority Services*

Local health authorities are county councils and county borough councils. Every local health authority is required to establish a Health Committee: the majority of its members must also be members of the L.H.A. All matters concerned with the administration of L.H.A. services must be referred to this Committee.

HEALTH CENTRES: Under the National Health Service Act, 1946, every local health authority is required to provide, equip and maintain health centres, but the rate of their erection will obviously depend on the progress of the general building programme. Facilities may be provided for all or any of the following:

- (a) General medical services.
- (b) General dental services.
- (c) General pharmaceutical services.
- (d) Specialist or other hospital services for out-patients.
- (e) Any of the local health authority services described below.
- (f) Publicity and dissemination of information on questions relating to health or disease.
- (g) Lectures, films and the display of pictures relating to health or disease.

Local health authorities provide the staff for health centres, other than the doctors or dentists participating in the general medical or dental services.

MATERNITY AND CHILD WELFARE: Local health authorities have a particular responsibility for the welfare of expectant and nursing mothers and of children under the age of 5. Ante-natal, post-natal and infant welfare clinics are now provided in the majority of urban areas.

Local authorities have the power, with the approval of the Minister of Health, to contribute to the funds of any voluntary organisation undertaking work for the care of mothers and young children.

The local health authority may make a reasonable charge for certain articles provided for maternity or child welfare, e.g. for meals in day nurseries, blankets, bedding, etc. according to the means of the recipients.

Extra milk, eggs and other rationed foods are allocated to mothers and children. The expectant or nursing mother can obtain a permit for milk at reduced prices from her doctor, cod liver oil and vitamin pills free, and orange juice for a small charge from local Food Offices.

The local health authority is the supervising authority for the administration of the Midwives Acts. A local health authority may either employ midwives itself or make the necessary arrangements for their employment by other organisations. It has a duty nevertheless, to secure that the number of certified midwives is sufficient to meet the needs of the area, including attendance on women in their homes, as midwives or as maternity nurses during child-birth and afterwards for the "lying-in" period.

NOTIFICATION OF BIRTHS: Every birth and every still-birth must be notified within thirty-six hours under the provisions of Section 203 of the Public Health Act, 1936. The penalty for non-compliance is £1. The notification must be made to the Medical Officer of

Health of the district in which the birth occurs, either by the parent, the doctor, the midwife, or other person in attendance on the mother. It does not relieve the parents of the necessity of registering the birth with the Registrar.

DAY NURSERIES: Day nurseries are primarily intended to provide for the care of healthy infants and children under the age of 5 whose mothers are either working in industries vital to production for home and export needs, or are ill or being confined. Unmarried mothers who wish to keep their children can send them if day-time care is necessary. Children whose home conditions make such a course desirable may also be admitted.

Children can be admitted to day nurseries at an earlier age than 2 years (at which they are eligible for admission to nursery schools). Day nurseries are normally open for longer hours than nursery schools to meet the convenience of working mothers.

REGISTRATION OF NURSING HOMES: Under the Public Health Act, 1936 [in London the Public Health (London) Act, 1936, and in Scotland the Nursing Homes Registration (Scotland) Act, 1938], all persons carrying on private nursing homes and maternity homes, with certain statutory exceptions, must be registered with the appropriate local authority (usually the county council or county borough council), subject to a penalty not exceeding £50 for failure to do so. When application for registration is made, the local authority must be satisfied that the home is carried on by fit persons in suitable premises, with a properly qualified doctor or nurse in charge; or, in the case of a maternity home, a doctor, qualified nurse or certified midwife. If the authority is not satisfied on these points, it may make an order refusing or cancelling registration, subject to a right of appeal to a court of summary jurisdiction. The home must be kept open for inspection by the authority at all reasonable times, and must keep prescribed records.

HEALTH VISITING AND HOME NURSING: The provision of health visiting and home nursing services is also the responsibility of the local health authority. The functions of the health visitor are advisory—on the care of children, to the sick, to expectant or nursing mothers and on precautionary measures necessary for the prevention of infection. Both for health visiting and home nursing the L.H.A. may either employ nurses or visitors themselves or make arrangements for their employment by voluntary organisations.

VACCINATION AND IMMUNISATION: Vaccination against smallpox and immunisation against diphtheria are now free non-compulsory services. Each L.H.A. is required to ensure that adequate arrangements are made in its area, and the necessary prophylactics are provided free by the Minister of Health. Subject to the approval of the Minister, similar arrangements may also be made for vaccination against any other disease, e.g. whooping cough. Local health authorities are required to give opportunities to provide services to

general medical practitioners under the National Health Service Act. The Vaccination Acts, 1867 to 1907, no longer have effect.

AMBULANCE SERVICE: Each local health authority is required to ensure that there are sufficient ambulances and other means of transport within its area to provide an adequate service for those suffering from physical or mental illness and for expectant or nursing mothers. The L.H.A. may provide ambulances, transport and staff or may make the necessary arrangements with voluntary organisations or others.

DOMESTIC HELP: A service of domestic help may be provided by local health authorities with the approval of the Minister. It is intended for households where the presence of any person who is ill, lying-in, an expectant mother, mentally defective or aged, or of a child not over compulsory school age makes it necessary. Local health authorities are empowered to recover charges appropriate to the means of anyone using this service.

(v) *Special Diseases*

TUBERCULOSIS: Tuberculosis clinics, in the charge of chest physicians specialising in tuberculosis, are provided by Regional Hospital Boards. They are centres for examination, diagnosis and out-patient treatment. When institutional treatment is required in a sanatorium or tuberculosis hospital, arrangements are made through the clinic.

Under the National Health Service Act, 1946 (Section 28) local health authorities have a duty to make arrangements for the prevention of tuberculosis and for the care and after-care of persons suffering from it, by helping to solve the special problems of the tuberculous household and so to facilitate treatment by removing anxiety, to safeguard restored patients against relapse, and to preserve the health of the family exposed to risk. To this end welfare organisations may assist in such ways as supplying nursing requisites etc., helping to provide extra nourishment, arranging for boarding-out of children, advising on sources of financial assistance, or on finding suitable employment, and so on.

Section 172 of the Public Health Act, 1936, empowers local authorities and county councils to secure the compulsory removal to hospital, in certain circumstances, of persons suffering from tuberculosis of the respiratory tract if they are in an infectious state. The Public Health (Prevention of Tuberculosis) Regulations, 1925, are designed to prevent persons similarly suffering, from entering upon occupations involving handling of milk.

The Public Health Act (1936) applies to England and Wales only, and Scottish local authorities do not have the same specific

powers as are held by English local authorities. Power of removal of infectious disease cases to hospital is contained in Section 54 of the Public Health (Scotland) Act, 1897, and prohibition of infectious diseases cases engaging in occupations involving handling of food in Section 58 of that Act. These general provisions concerning infectious diseases apply, of course, to tuberculosis patients.

VENEREAL DISEASES: Treatment centres for venereal diseases have been established in most of the larger towns, either in connection with general hospitals or in separate premises. Free treatment is provided for all and absolute secrecy is maintained. Advertisements in public places set out addresses and times of opening of the clinics.

Importance is now given to "contact-tracing" by health visitors or social workers, with a view to securing the prompt and regular attendance at treatment centres of infected persons. A campaign to give greater publicity to the importance of clean living has been carried on by the Ministry of Health.

The Venereal Disease Act, 1917, prohibits the treatment of venereal diseases except by duly qualified doctors. Unqualified persons giving treatment are liable to heavy penalties.

(vi) *Mental Health Services*

Approximately half of the total number of all hospital beds in England and Wales are provided by the Mental Health Services. The Central Authority, as in the case of other public health services, is the Minister of Health. The Board of Control deals as an independent body, with questions relating to the reception and discharge and to the periodical review of the cases of patients whose liberty has to be restricted owing to the nature of their illness.

The services fall into two distinct groups—those for the mentally ill and those for the mentally defective. They comprise both hospital (or institutional) care and the care of patients living in the community.

HOSPITAL AND SPECIALIST SERVICES FOR MENTAL ILLNESS: These are provided by the Minister of Health. The hospitals are managed by Hospital Management Committees consisting of members representing varying local interests. The fourteen Regional Hospital Boards control and supervise the mental hospital services in their areas just as they do in the case of other hospitals. Specialist services for mental illness are provided in most cases by the psychiatrists on the staffs of the mental hospitals. They conduct out-patient clinics (including child guidance clinics) in most large towns and also visit patients in their homes where necessary. Attendance at an out-patient clinic in the early stages of mental illness is most important and may be a decisive factor in the prevention of serious disability and in the recovery of the patient.

In addition to the mental hospitals, patients suffering from mental illness are also received in a small number of institutions outside the National Health Service. These are the registered hospitals (voluntary hospitals receiving private or contract patients upon a non-profit making basis), licensed houses (receiving private patients upon a profit making basis) and nursing homes (also profit making). The Minister of Health controls the standards of accommodation in these through his powers of licensing or other formal approval, and they are visited regularly by Inspectors of the Board of Control. Single patients may also be received into the legal charge of a private individual.

The procedure for admission to and discharge from mental hospitals is, broadly speaking, as follows:

A *voluntary patient* is admitted upon his own written application. He may leave at any time upon giving seventy-two hours written notice. A very large proportion of patients (over 50%) are admitted in this way.

A *temporary patient* is admitted upon the application of a husband or wife or relative or, at their request, upon the application of an officer of the local health authority (the county or county borough council). The patient must be one who is likely to benefit from temporary treatment but incapable of expressing willingness or unwillingness to receive it. A written direction from the relative who applied for his admission or from the person paying for his maintenance or other near relative is sufficient to discharge him, unless the doctor in charge certifies that this is unsafe. There are other powers of discharge. Those vested in the hospital authority are the powers most frequently used.

A *certified patient* is admitted upon a judicial order authorising or directing his reception. Where a relative or friend applies for this order it is made by a justice specially appointed for such duties; two medical certificates describing the mental condition of the patient must be produced to him. Where the order is obtained as a result of action by an officer of the local health authority, it is made by an ordinary justice upon one medical certificate. A patient admitted upon an urgency order is also known as a certified patient. An urgency order is a written authority signed by a relative and accompanied by a medical certificate demonstrating the immediate necessity for the reception of a patient: it authorises the detention of the patient for seven days or until proceedings for a reception order are completed by a relative or friend.

It is not intended that certification should be employed where the patient is suitable for admission as a voluntary or temporary patient.

The legal procedure for discharge in the case of certified patients is the same as for temporary patients.

HOSPITAL AND SPECIALIST SERVICES FOR MENTAL DEFECTIVES: Institutions or colonies for mentally defective patients are, like

mental hospitals, provided by the Minister of Health and managed by Hospital Management Committees of the Regional Hospital Boards. There are a few institutions outside the National Health Service established and managed by religious bodies. As in the case of the mental hospitals, out-patient clinics for mental deficiency in large towns are conducted by the medical staff of those institutions; in a number of cases the local health authority makes available the services of a psychologist or (more frequently) where the institution has no such officer upon its staff, of a social worker.

Apart from the institutions, mentally defective patients may be received in certified houses (private homes conducted for profit) and approved homes (which may be either upon a charitable or a profit making basis) and also into the care of a private individual. Patients enter approved homes voluntarily and therefore cannot be detained when they wish to leave.

The local health authorities (county and county borough councils) are responsible in the first instance for ascertaining those patients in their area who require treatment for mental deficiency. But unless the parents or guardians of the patient make their own arrangements for admission or inform the local health authority that the patient cannot be properly looked after at home, the authority's officers cannot act unless (broadly speaking) one of the following social misfortunes has happened to the patient. He must be found to be totally ineducable (even in a special school) or neglected, unsupported or abandoned, or cruelly treated, or found guilty of an offence by a court, or serving a sentence, or an habitual drunkard.

Procedure for admission is normally by written petition addressed to a specially appointed justice (known as a judicial authority) and accompanied by two medical certificates of mental defectiveness. If he is satisfied, the judicial authority makes an order authorising the patient's reception and detention. If a vacancy exists, it is open to a parent or guardian in certain instances to place a patient under care without any order being obtained, but two medical certificates are still necessary in this event. Mentally defective patients are discharged upon the order of the Board of Control who periodically review every case. In addition whenever a patient attains the age of 21, his case is reconsidered by the official visitors of institutions, who may discharge him.

LOCAL HEALTH SERVICES FOR MENTAL ILLNESS: Local health authorities are responsible for the initial care of patients and their conveyance to hospital in cases of mental illness. Where removal to hospital is urgent the duly authorised officer of the authority, who is a trained mental health worker, has power to take the patient to hospital forthwith. It is his duty to inform a justice of the case if the relatives or friends are unable or unwilling to take proceedings to obtain a reception order themselves. Local health authorities provide through their mental health department for the after-care

of all types of patient discharged from hospital, who are no longer on the books of the hospital and not attending an out-patient clinic, so far as this is not otherwise provided for. The duly authorised officers and psychiatric social workers of each authority give advice and help where necessary in any case of mental illness.

LOCAL HEALTH SERVICES FOR MENTAL DEFECTIVES: Here again the local health authorities are responsible, not only for ascertaining defectives, but for their initial care and conveyance to an institution (or to a temporary place of safety) if this is necessary. They are also responsible for placing suitable defectives under the legal charge of a private individual as guardian: the procedure for this is the same as for admission to an institution. The mental deficiency workers of the authority visit patients under guardianship at regular intervals and the authority is responsible for securing the provision of medical and dental services for patients through the general practitioner service. Where neither institutional nor guardianship care is needed, supervision may be desirable in the form of occasional visits by mental deficiency workers to the home of the patient. This is known as statutory supervision to distinguish it from the voluntary supervision of defectives undertaken by certain voluntary social service organisations.

The care of patients who are sent out on licence from an institution to test their fitness for discharge is the responsibility of that institution. Their after-care when they are discharged and have ceased to be upon the books of the institution at all is the responsibility of the local health authority. In some instances hospital and local health authorities assist each other to discharge their individual duties by the lending of staff on a part-time basis.

Training and occupation for mentally defective patients living in the community under guardianship or supervision is provided in the Occupation Centres established by a number of local health authorities. These are in charge of trained supervisors and play a valuable part in the treatment of mental deficiency.

Information on subjects not covered in this brief resumé can always be obtained from the offices of the Regional Hospital Board concerned or from the mental health department of the local health authority.

(vii) Welfare of the Physically Handicapped

Local authorities (county and county borough councils) are required under the National Assistance Act, 1948, to provide for the welfare of the blind, and may so provide for the deaf, dumb, and others who are substantially and permanently handicapped by illness, injury or congenital deformity.

All local authorities include in their arrangements the following welfare services for the blind, and it is anticipated that, in due course, they will make similar provision for the other handicapped classes: (i) an advisory service; (ii) instruction in methods of overcoming the effects of their disabilities; (iii) the provision of "sheltered" employment in special workshops; (iv) the provision of home worker schemes;¹ (v) assistance in the marketing of produce; (vi) the provision of recreational facilities; (vii) the compilation of classified registers of handicapped persons (this service in practice is often maintained by a voluntary organisation).

Financial assistance for the blind is now the responsibility of the National Assistance Board², except that the local authority may make money payments to handicapped persons provided with work under (iii) and (iv) above.

Before a person's name can be added to the register of the blind, he must be examined and certified as a blind person by a registered medical practitioner with special experience in ophthalmology. The term "blind person" means "a person so blind as to be unable to perform any work for which eyesight is essential".³

For the provision of welfare services under the National Assistance Act, the local authority is permitted to employ as its agent any voluntary organisation registered in accordance with that Act, *viz.*, one having for its sole or principal object or amongst its principal objects the promotion of the welfare of the persons referred to above.

Hostels, homes and residential nursery and other special schools, in addition to those provided by local authorities, are maintained by voluntary associations for the blind, including the National Institute for the Blind and St. Dunstan's. The National Library for the Blind provides and circulates literature in Braille.

Among statutory concessions to the blind are free licences for wireless receiving sets, free licences for dogs kept as guides, and reduced postage on embossed literature. Travel concessions are allowed on the railways for a blind man accompanied by a guide.

HOME TEACHING: The minimum aim of this service is to secure that all the blind who need visiting should receive visits systematically. Appointments of Home Teachers are made by Local Authorities or Voluntary Associations, and it is normally a condition of appointment that uncertificated Home Teachers shall pass this examination within two years of the date of appointment. The Home Teachers' duties are so varied that it is impossible to describe them fully. They can, however, be conveniently summarised under nine headings: (i) Discovery of Blind Persons and ascertainment of their needs; (ii) Visiting; (iii) Teaching Braille or Moon; (iv) Teaching Pastime Occupations; (v) Training and Care of the Pre-Schoolchild and the Schoolchild on Holiday; (vi) Hygiene;

¹See Chapter 7: Industry and Employment.

²See Chapter 3: Social Security Services.

³Old Age Pensions Act, 1938.

vii) Welfare Work; (viii) Organisations of Social Centres and Classes; and (ix) Training of the Deaf-Blind.

An examination for Home Teachers has been instituted by the College of Teachers of the Blind.

B: ENVIRONMENTAL SERVICES

i. *Community Protection from Disease*: ii. *Sanitary Inspection and General Public Hygiene*: iii. *Protection of Food and Drugs*.

(i) *Community Protection from Disease*

If any inmate of a house is suffering from any notifiable disease¹ it is the duty of the head of the family, the occupier of the house or room, or the medical practitioner in attendance, to give notice to the Medical Officer of Health.

Penalties are provided for failure on the part of the person responsible to comply with the duty of notification.

It is also an offence for any person suffering from a dangerous infectious disorder wilfully to expose himself without proper precaution in a public place or conveyance. A parent or guardian who allows a child or ward into a public place is liable to prosecution.

ISOLATION AND DISINFECTION: Immediately after notification, local health authorities make any necessary arrangements for the removal of the patient to an isolation hospital, and for the disinfection of the house and all articles that have been exposed to infection, i.e., clothing, bedding, etc. Endeavours are made to trace the source of the infection and to prevent its spread.

Particulars of the detailed arrangements made by local authorities for isolation and disinfection can be obtained from local medical officers of health.

TUBERCULOSIS NOTIFICATION: All cases of tuberculosis (not only pulmonary) must be notified by the doctor in attendance to the Medical Officer of Health. He must, when he receives notification either personally or through an officer of the local authority acting under his instructions, make such inquiries and take such steps as are necessary or desirable for investigating the source of infection, for preventing its spread, and for removing conditions favourable

¹These diseases are smallpox, cholera, diphtheria, membranous croup, erysipelas, scarlatina or scarlet fever, typhus, typhoid, enteric and relapsing fevers, puerperal pyrexia, cerebro-spinal fever, ophthalmia neonatorum, plague, acute poliomyelitis, acute primary pneumonia, acute influenzal pneumonia, malaria, dysentery, acute encephalitis lethargica, acute polio-encephalitis, measles or whooping cough and in Scotland, infective jaundice.

The Minister of Health, and the local authority with his approval, have power to add other diseases.

to it. Arrangements are made for the examination of persons who have been, or are, in contact with the case which has been notified, if possible at a tuberculosis clinic, with a view to discovering whether they are infected and if so, to giving any necessary treatment. Treatment, however, is the responsibility of the Regional Hospital Boards under the National Health Service Act.¹

(ii) *Sanitary Inspection and General Public Hygiene*

WATER: The Water Acts, 1945 and 1948 require the Minister of Health to promote the conservation and proper use of water resources and the provision of adequate water supplies in England and Wales; and to secure the effective execution by water undertakers, under his control and direction, of a national water policy. The principal water undertakings are owned either by single local authorities or by Water Boards representing the interests of several authorities (e.g. the Metropolitan Water Board which supplies water to most of Greater London) or by public companies with statutory powers. The local authorities are also responsible for ensuring that the supply of water in their districts is adequate in quantity and wholesome in quality.

SEWAGE: It is the duty of every county borough, borough, urban district or rural district council to provide sufficient sewers and sewage disposal plant for the needs of its district, except where by special arrangement this duty has been transferred to a county council or Sewerage Board. Sewers need not be within reach of every dwelling, and in rural districts disposal of sewage by cesspools and private plant is often permissible. Many sewers are constructed privately during building development and these need not be taken over by the local authority unless it elects to do so, or unless the Minister of Health decides that their maintenance should be a public responsibility (Public Health Act, 1936). Private owners, however, have a right to connect their sewers to the public sewers subject to certain conditions. The provision and maintenance of sanitary accommodation and drains in private premises are the responsibility of the owner; the local authority can compel him to make satisfactory provision if it is inadequate, and either the owner or occupier to remedy any nuisance or danger to health caused by existing arrangements.

It is an offence to discharge sewage which has not been properly treated into inland streams or rivers.

REFUSE AND SCAVENGING: Refuse disposal is a local authority service and collections are made at frequent regular intervals in urban areas. There is no charge for the disposal of domestic refuse but the local authority may charge for the disposal of trade refuse. Collected refuse is disposed of usually by tipping on selected sites,

¹See Section A (ii).

which are as a rule low-lying waste land. After tipping, the refuse is covered by earth and the material gradually corrodes. Some authorities provide for the conversion of collected refuse into useful products by suitable treatment, and at the present time all authorities make special arrangements for the salvage of waste paper, the collection of pig swill in special bins, etc., as part of the national economies.

Local authorities may also provide for the cleansing of cesspools and ashpits, and regular washing and sweeping of the streets.

SEAPORT AND AIRPORT HEALTH CONTROL: The Minister of Health has made Regulations under Section 143 of the Public Health Act, 1936, for preventing the introduction and spread of dangerous infectious diseases from arriving ships and aircraft. (Port Health Regulations, 1933 and 1945, and the Public Health (Aircraft) Regulations, 1948.)

At a seaport the Port Health Regulations are enforced by the Port Health Authority or Riparian (Health) Authority: at an airport the Public Health (Aircraft) Regulations are enforced by the local authority (or in certain cases the county council acting on behalf of the Minister).

The Port Health Regulations deal with (amongst other matters):

- (a) the prior notification to the health authority of health conditions on board;
- (b) the establishment of mooring stations for ships which are infected or suspected of being infected with a dangerous disease, and the procedure at those stations;
- (c) the delivery to the health authority of a Declaration of Health by the Master of a ship coming from abroad;
- (d) the detention of infected ships;
- (e) the inspection of ships for rats, the de-ratting of ships found to be infested, and the issue of the appropriate rat certificates;
- (f) the powers and duties of the Medical Officer at the port, including:
 - (i) examination of any person on board for infectious disease or vermin;
 - (ii) disinfection or disinfestation of his clothing, luggage, etc., if necessary;
 - (iii) prohibition or control of disembarkation of any person;
 - (iv) power to require the Master of a ship to take steps to prevent the spread of infection;
- (g) certain powers and duties of Customs Officers.

The Public Health (Aircraft) Regulations deal with the same general matters as the Port Health Regulations but they are, of course, adapted to the special needs of air traffic. A provision in the Aircraft Health Regulations not in the Port Regulations is the delivery by every arriving passenger of a Personal Declaration of Origin and Health. (This arises from a requirement in an International Sanitary Convention.)

(iii) *Protection of Food and Drugs*

ADMINISTRATION: The administration of the law relating to the composition, and purity of, and to hygiene in connection with food (Food and Drugs Acts, 1938 and 1944) is divided between the Ministry of Food and the Ministry of Health.

The matters which are the primary concern of the Ministry of Food are:

- (i) the composition and description of processed or manufactured food,
- (ii) food inspection and hygiene,
- (iii) those sections of the Milk and Dairies Regulations and the Milk (Special Designations) Regulations, 1936-1946 which relate to the distribution and heat treatment of milk,
- (iv) the approval of the terms of appointment of Public Analysts, etc.,
- (v) certain regulations concerning margarine and imported foodstuffs.

The matters which are the primary concern of the Ministry of Health are:

- (i) the composition and description of drugs,
- (ii) Milk and Dairies Regulations concerned with the control of milk infected with disease,
- (iii) regulations concerned with shell-fish,
- (iv) regulations concerned with the purity of ice-cream such as the Ice-Cream (Heat Treatment) Regulations.

Food and drugs authorities, i.e. county councils (except the London County Council), county borough councils, metropolitan borough councils for London and generally the larger borough and urban district councils are responsible for enforcing the provisions relating to the composition and labelling of processed and manufactured foodstuffs.

The responsibility for the enforcing of the bulk of the remainder of the provisions of the Food and Drugs Acts lies with the local authorities (county borough councils, metropolitan borough councils, borough councils, and urban and rural district councils).

A food and drug Authority must appoint at least one public analyst.

An authorised officer¹ may purchase samples of any food offered for sale and may (a) take samples of any food or substance capable of being used in the preparation of food found on premises which he has entered in the course of his duty, (b) take samples of milk at

¹An authorised officer may be

- (a) the Medical Officer of Health or Sanitary Inspector of a local authority (for all purposes of the Acts).
- (b) any officer of a county, or police officer, with special authority to act in the taking of samples.
- (c) for the inspection and seizure of meat, any member of the Royal College of Veterinary Surgeons employed for the inspection of food.

any dairy, at the place of delivery or during conveyance, for analysis or other examination.

GENERAL REGULATIONS: It is an offence to:

- (a) add any substance to food offered for sale so as to render it injurious to health;
- (b) sell food which is not of the nature or substance or quality of the article demanded;
- (c) label or advertise a food in a way which falsely or misleadingly describes its nature or quality;
- (d) sell or hold for sale any food intended but unfit for human consumption. An authorised officer can seize food which appears to be unfit for human consumption and take it before a Justice of the Peace who may order it to be destroyed or disposed of so as to prevent it from being used for human consumption.

The use of preservatives in food is strictly controlled; where regulations permit the use of preservatives, their presence in the food must be clearly indicated at the time of sale.

SLAUGHTER HOUSES AND KNACKERS' YARDS: Local authorities have powers to provide public slaughter houses.

Private slaughter houses and knackers' yards must be licensed by the responsible local authority and the licenses renewed every twelve months.

Local authorities are required to see that slaughter houses are kept in a sanitary condition and that there is no cruelty to animals therein. No part of an animal killed in a knacker's yard may be sold for human consumption.

Where a public slaughter house has been provided the authority is permitted, with the consent of the Minister of Health, to close all existing private slaughter houses in the area, subject to payment of compensation, and to prohibit the establishment of new private slaughter houses.

MILK AND DAIRY PRODUCE: All cowkeepers and dairymen and all dairies which supply milk on sale must be registered with a local authority¹ under the Milk and Dairies Order, 1926. This Order also empowers a Medical Officer of Health to stop the supply of milk from a dairy where there is any evidence of human infectious disease, and to forbid any persons suffering from disease from taking any part in milk production, etc. Under the Food and Drugs Act, 1938, it is an offence to sell for human consumption milk from any cow known to be tubercular.

The Milk (Special Designations) Regulations, 1936-1943, provide a voluntary scheme under which milk may be sold under prescribed

¹When the Food and Drugs (Milk and Dairies) Act, 1944, comes into operation all dairy farms will have to be registered with the Ministry of Agriculture instead of the local authority and the Ministry of Agriculture will also be the licensing authority for producers of raw designated milks (Tuberculin Tested and Accredited).

designations if the vendor holds a licence for that purpose. The three designations are: Pasteurised Milk, Tuberculin Tested Milk and Accredited Milk.

The Sale of Milk Regulations, 1939, prescribe presumptive standards for milk and separated milk. A deficiency in milk fat or other milk solids renders the milk not genuine.

Butter, margarine and cheese factories must be registered with the food and drugs authority.

ADDRESSES OF MINISTRIES AND ORGANISATIONS REFERRED TO IN CHAPTER I

(Addresses given here and following subsequent chapters are in order of appearance of the subject in the chapter.)

Ministry of Food,
Montague House, Whitehall, S.W.1.
Tel.: WHItchall 4363.

Ministry of Health,
Whitehall, S.W.1.
Tel.: WHItchall 8411.

National Assistance Board,
Vicarage House, Soho Square, W.1.
Tel.: GERrard 7878.

National Institute for the Blind,
224 Great Portland Street, W.1.
Tel.: EUSton 5251.

St. Dunstan's,
191 Marylebone Road, N.W.1.
Tel.: PADdington 5021.

National Library for the Blind,
35 Great Smith Street, S.W.1.
Tel.: ABBey 2725.

College of Teachers of the Blind,
Correspondence to:
Hon. Registrar,
School for the Blind, Westbury-on-Trym, Bristol.

2

HOUSING

i. *Central Administration*: ii. *Local Authorities and Housing*: iii. *Rural Housing*.

(i) *Central Administration*

The central authority responsible for the co-ordination and administration of the law relating to housing in England and Wales is the Minister of Health which is assisted and advised by a Central Housing Advisory Committee, and in Scotland, the Secretary of State for Scotland assisted by a Scottish Housing Advisory Committee. The Ministry of Supply and the Ministry of Works are "supply departments" to the housing programme. The Ministry of Works is also responsible for building research, relations with the building industry and the operation of the licensing system. The War Damage Commission supervises payments for repair of war damage.

(ii) *Local Authorities and Housing*

The local authorities for the purpose of the Housing Act are county borough, urban and rural district councils and the London County Council, the City Corporation, and the Metropolitan borough councils.

Local authorities have wide powers for the acquisition of land for housing both under the Town and Country Planning Acts and the Housing Act of 1936. Land which cannot be secured by agreement may, with the consent of the Minister, be acquired by compulsory purchase.

The original purpose of the powers for building granted to local authorities under the Housing Acts was to provide "dwelling houses for the working classes". "Working class" is a term which is very broadly interpreted by Parliament and at the present time owing to the acute shortage of accommodation, the scope of local authority housing has been extended. In any local authority area the number of houses erected by private builders must not exceed one-fifth of the total number of houses allocated to the area by the Ministry of Health.

The Housing (Financial and Miscellaneous Provisions) Act, 1946, provides for a general standard subsidy for local authority houses in England and Wales of £22 per house per annum for 60 years, the estimated amount of the annual deficit on a standard house assuming an average net rent of 10/- per week. The Exchequer contribution to this subsidy is £16. 10s. od.; the balance of £5. 10s. od. is found by the local authority.

In Scotland the Housing (Financial Provisions) (Scotland) Act, 1946, provides similar but generally higher subsidies for local authority housing.

Local authorities are authorised to assist and encourage the promotion of housing associations and to make grants or loans to such societies. A housing association is defined as any society, body of trustees, or company not working for a profit and whose objects or powers include the construction, improvement or management of houses for the working classes. The formation of a housing association enables an employer, philanthropic body, social agency or any group of people who wish to help in meeting the housing shortage to take advantage of the facilities of the Housing Acts.

A local authority may also by agreement, or compulsorily, buy any houses or other buildings and the land on which they stand which are, or may be made, suitable as dwelling houses for the working classes.

There are minimum standards for the accommodation provided by local authorities (e.g. the minimum floor area for a three-bedroomed two storey house is 900 square feet). Not only space standards but standards of design and equipment have been improved in accordance with the recommendations of the Design of Dwellings Sub-Committee, 1944.

Local housing authorities have the right (and may be required by the Minister of Health) to make and enforce bye-laws with respect to houses which are occupied by, or are of a type suitable for occupation by working-class people. Such bye-laws provide for a minimum standard of fittings and structural equipment.

County and county borough councils and such borough, urban or rural district councils as undertake to act may, under the Small Dwellings Acquisition Acts lend up to 90% of the value of any house not exceeding in value £1,500¹, to enable any person to buy the house in which he lives or intends to live, or to build a new house for his own occupation. A local authority may also under Section 91 of the Act of 1936, lend up to 90% of the value of any new house of not less than a minimum superficial area valued at not more than £1,500¹ whether it is to be built for sale or letting, or for the occupation of the owner. In both cases advances of the loan may be made during construction up to 50%² of the value of the work done including the site value.

¹Increased to £5,000 by the Housing Act, 1949.

²Increased to 80% by the Housing Act, 1949.

Also, a local authority may, with the Minister's consent, sell any houses bought or erected by them, and may agree to the price being paid by instalments or to the payment of part of the price being secured by mortgage of the premises.

During the housing shortage most local authorities are maintaining housing lists to ensure that available accommodation goes to those whose need is most urgent. Frequently applicants are allocated houses on a "points" system, points being assessed according to size of family, length of residence, war service, etc. The satisfactory housing of essential workers, e.g. coal miners and agricultural labourers has been given a high priority in local authority post-war building.

CLEARANCE OF SLUMS: It is the duty of local housing authorities to secure the clearance of any areas which are shown to be insanitary, and to rehouse the inhabitants. The Government contributes towards any expenses incurred by a local housing authority in dealing with such clearance areas and providing rehousing accommodation. It is also the duty of local housing authorities to order the demolition of individual unfit houses which are not capable, at a reasonable expense, of being made fit.

A fit house should be:

- (1) Free from serious dampness;
- (2) Satisfactorily lighted and ventilated;
- (3) Properly drained and provided with adequate sanitary conveniences, and with a sink and suitable arrangements for disposing of slop water; and
- (4) In good general repair; and should have:
 - (5) A satisfactory water supply;
 - (6) Adequate washing accommodation;
 - (7) Adequate facilities for preparing and cooking food, and
 - (8) A well-ventilated store for food.

WELL-MAINTAINED HOUSES: Where after a local inquiry has been held by an Inspector of the Ministry of Health into a Clearance or Compulsory Purchase Order submitted to the Minister by a local housing authority for confirmation, the Minister is satisfied that, notwithstanding its sanitary defects, any house included in the clearance area has been well maintained, he may direct the local housing authority to make a special payment in respect of that house.

RECONDITIONING AND REPAIRS: Powers have been given to local housing authorities to lend money, in suitable cases, to house owners to carry out works for the reconstruction, enlargement, or improvement of houses or buildings in order to provide accommodation for the working classes.

If a house is not in sound condition but is capable of being made fit at a reasonable expense and the owner fails, after notice, to carry out the necessary repairs, the local authority may do the work and

charge the cost to the owner. If the owner appeals against such a notice, and the Courts find that the house cannot be made fit at a reasonable expense, the local authority may purchase the house, either by agreement or under compulsory powers.

The following is a list of common defects:

Paving to Yards: Broken or defective—causing pools to accumulate.

Roofs: Tiles or slates loose or broken; flashings defective or perished; eaves, gutters or rain-water pipes, defective or broken.

Walls: Defective pointing allowing damp to strike through; defective external plaster peeling off in patches or allowing wet to accumulate at the back of the plaster; damp-proof course cracked, perished, or otherwise become ineffective; ground banked up above the level of the damp-proof course, causing dampness in the walls; defective internal plaster, badly cracked or breaking off in patches, or soft, dirty or loose wall-papers.

Ceilings: Plaster badly cracked, loose, falling off in patches, or dirty or sodden with filth.

Floors: Broken, cracked, too thin to be safe or so rough as to be very difficult to keep clean; defective hearths or ash holes.

Stairs: Broken treads or risers, or broken handrails or banisters; want of handrails or banisters.

Windows: Perished or rotten frames or sashes; broken hinges, cords or window fasteners.

Doors: Doors so swollen or warped that they will not shut properly; broken hinges or fasteners.

Ventilators or Flues: Stopped up or broken.

Cupboards: Insufficient or defective.

Grates, Stoves or Ranges: Broken, badly set or wanting setting; ovens, boilers or hot plates cracked, fire-bars missing.

Minor defects may not cause more than inconvenience but should, nevertheless, be put right; on the other hand, the cumulative effect of small defects may become serious.

OVERCROWDING: The Housing Act, 1936, contains specific provisions for the prevention of overcrowding. The general scheme provides a measurement of overcrowding (Tables 1 and 11 of the Fifth Schedule) and for making it a punishable offence to drop below that standard. When a house has once been uncrowded it is an offence to overcrowd it again.

The local authority must inform the landlord or occupier of each dwelling-house in its area of the permitted number of persons who may be allowed to live in that house. In England and Wales this information must be inserted in the rent book.

REDEVELOPMENT OF OVERCROWDED AREAS: A local authority may declare an area to be "a redevelopment area". The conditions which must exist in a redevelopment area are (a) that the area contains fifty or more working-class houses, (b) that at least one-third of the working-class houses in the area are overcrowded or unfit for

human habitation and not capable of being made fit at reasonable cost, (c) that the industrial conditions of the district are such that the area must be used substantially for rehousing, and (d) that it is necessary in connection with the provision of housing accommodation that the area should be redeveloped as a whole.

Where there is an area of this kind the local authority has power to submit for the Minister's confirmation a plan for redevelopment including the scope of the area to be dealt with, the land to be used for working-class houses, streets, open spaces, etc. When the plan is approved the local authority may proceed by agreement or by compulsory purchase to acquire the necessary land to carry it out.

Local authority housing and redevelopment schemes are of course part of, and subordinate to the general redevelopment plan of the local planning authority (see Chapter 8: Town and Country Planning).

(iii) *Rural Housing*

Rural housing presents many special problems—there was a shortage of working-class houses in rural areas even before the war and a very high proportion of the houses that were available were overcrowded and lacking in amenities. Since the war the Ministry of Health has given a high priority to the construction of homes for agricultural workers. The Housing (Financial and Miscellaneous Provisions) Act, 1946, provides a special subsidy of £28. 10s. od. per house per annum for houses built by local authorities for agricultural workers: the subsidy is based on an estimated net rental of 7/6.

Until comparatively recently the proportion of rural houses built by local authorities has been small. (In 1937 a survey showed that of 500,000 houses occupied by farm workers, 200,000 were cottages "tied" to the job, 250,000 ordinary private houses, and 50,000 council houses.) Rural district councils provide the majority of rural houses erected by public authorities. The county council is charged with the duty of keeping constant supervision over housing activities of rural district councils within its area. By agreement a county council may accept all or any responsibilities of a rural district council relating to the provision of housing accommodation.

After local inquiry a county council may make an order transferring to itself the powers of a rural district council which is found to be in default. Where, for no good reason, a county council takes no action in regard to a rural district council's default in housing provision, the Minister of Health himself may directly intervene and assume the powers for his department.

ADDRESSES OF MINISTRIES AND ORGANISATIONS REFERRED TO IN CHAPTER 2

Ministry of Supply,

Shell Mex House, Victoria Embankment, W.C.2.

Tel.: GERrard 6933.

Ministry of Works,

Lambeth Bridge House, Albert Embankment, S.E.1.

Tel.: RELiance 7611.

War Damage Commission,

Devonshire House, Piccadilly, W.1.

Tel.: MAYfair 8866.

3

SOCIAL SECURITY SERVICES

A: NATIONAL INSURANCE

i. *General Provisions of the National Insurance Act 1946*: ii. *Maternity Benefits*: iii. *Unemployment and Sickness Benefits*: iv. *Guardians Allowance*: v. *Retirement Pensions*: vi. *Widows' Benefits and Pensions*: vii. *Death Grant*: viii. *Additional and Miscellaneous Provisions as to Benefit*: ix. *Industrial Injuries*.

(i) *General Provisions of the National Insurance Act, 1946*

ADMINISTRATION: The comprehensive system of National Insurance is administered by the Ministry of National Insurance. Local offices of the Ministry are established in most large towns and centres of importance. With few exceptions all persons resident in Great Britain who are over school leaving age and under pensionable age are insured, irrespective of means or occupation. At the present time the school leaving age is 15 and pensionable age is 65 in the case of a man and 60 in the case of a woman.

(Great Britain does not include Northern Ireland, the Channel Islands or the Isle of Man.)

Insured persons are classified in three categories.

EMPLOYED PERSONS (Class 1): Those who are employed under a contract of service.

SELF-EMPLOYED PERSONS (Class 2): Those who are gainfully occupied but are not employed persons under a contract of service. This category includes all those working on their own account or not having any direct contract with an employer, e.g. ministers of religion, professional men, directors of companies, Members of Parliament and small shopkeepers.

NON-EMPLOYED PERSONS (Class 3): Comprises all persons who are neither self-employed nor employed under a contract of service or apprenticeship.

Married women who are employed or self-employed can choose whether or not they will pay contributions. If they pay they can qualify for all benefits in their own right except widow's benefit. If they decide not to pay they can draw some benefits on their husband's insurance.

Non-employed married women are not entitled to pay contributions as non-employed persons unless they have qualified by a substantial period of employment or self-employment since the scheme started. If they are entitled and choose to pay contributions as non-employed persons they can qualify for retirement pensions in their own right; otherwise they must rely on their husband's insurance.

CONTRIBUTIONS: The rates of contribution set out below are subject to slight increases which were due to commence five years after the introduction of new pension rates (the new pension rates were introduced in October 1946, so that the increased rates of contribution will probably be payable as from October 1951).

The present weekly rates of contribution are as follows:

EMPLOYED PERSONS

<i>Description of employed person</i>	<i>Rate</i> s. d.
Men between the ages of 18 and 70 (not including men over 65 who have retired from employment):	
Earning remuneration at a weekly rate exceeding 30/- ..	4 7
Earning remuneration at a weekly rate of 30/- or less ..	2 8
Women between the ages of 18 and 65 (not including women over 60 who have retired from employment):	
Earning remuneration at a weekly rate exceeding 30/- ..	3 7
Earning remuneration at a weekly rate of 30/- or less ..	2 2
Boys under the age of 18	2 8
Girls under the age of 18	2 2

Contribution rates for employed persons. Employed married women and widows who have chosen not to pay National Insurance contributions must still pay 3d. a week Industrial Injuries contribution.

EMPLOYERS (on behalf of their employees)

<i>Description of employed person</i>	<i>Rate</i> s. d.
Men over the age of 18:	
Earning more than 30/- per week	3 10
Earning 30/- or less per week	5 9
Women over the age of 18:	
Earning more than 30/- per week	3 0
Earning 30/- or less per week	4 5
Boys under the age of 18	2 3
Girls under the age of 18	1 9

SELF-EMPLOYED PERSONS

<i>Description of self-employed person</i>	<i>Rate</i>	
	<i>s.</i>	<i>d.</i>
Men between the ages of 18 and 70 (not including men over 65 who have retired from employment)	6	2
Women between the ages of 18 and 65 (not including women over the age of 60 who have retired from regular employment)	5	1
Boys under the age of 18	3	7
Girls under the age of 18	3	1

NON-EMPLOYED PERSONS

<i>Description of non-employed person</i>	<i>Rate</i>	
	<i>s.</i>	<i>d.</i>
Men between the ages of 18 and 65	4	8
Women between the ages of 18 and 60	3	8
Boys under the age of 18	2	9
Girls under the age of 18	2	3

Widows in receipt of widow's benefit can similarly choose whether or not to pay contributions.

EXCHEQUER SUPPLEMENT

<i>Description of person</i>	<i>Amount of Supplement</i>			
	<i>For Contri- bution as an employed person</i>	<i>For Em- ployers Con- tribution</i>	<i>For Contri- bution as self-employ- ed person</i>	<i>For Contri- bution as a non-employ- ed person</i>
	<i>s.</i>	<i>d.</i>	<i>s.</i>	<i>d.</i>
Over the age of 18:				
Men	1	1	1	0
Women	10	9	11	7
Under the age of 18:				
Boys	7	7	7	5
Girls	6	5	6	4

Failure by an employer or insured person to pay any weekly contribution is an offence under the National Insurance Act, 1946.

Where an employed or self-employed person works for only part¹ of any week he or his employer is still liable to pay the full

¹Part is interpreted as: not more than four hours a week (eight hours for domestic workers and cleaners) for any one employer.

weekly contribution for that week. Only one contribution is payable in respect of each insured person for each contribution week.

Exception from liability to pay contributions may be obtained by the following categories of persons in certain circumstances.

Those who are unemployed or unable to work owing to sickness.

Those who are full-time unpaid students or apprentices.

Self-employed and non-employed persons whose income does not exceed £104 a year.¹

REGULATIONS REGARDING THE COLLECTION OF CONTRIBUTIONS:
An employer is responsible for the payment of the employers' and employees' contributions for every person in his employ.

The employer's contribution must not be deducted from the employee's wages, but within certain time limits the employee's contribution may be recovered.

The Ministry of National Insurance can grant full benefit rights to any employee whose contribution payments are in arrear through the default or negligence of his employer, provided the employee himself is not negligent.

(ii) *Maternity Benefits*

Maternity benefits consist of:

Maternity Grant: A lump sum of £4 for each child

and either

Attendance Allowance paid to a married woman who is covered by her husband's insurance—20/- a week for the 4 weeks following confinement,

or

Maternity Allowance paid only on a woman's own record as an employed or self-employed person—36/- a week for 13 weeks beginning at the sixth week before the expected date of confinement.

A woman may not receive both Maternity Allowance and Attendance Allowance.

Maternity Grant and Attendance Allowance may be claimed on either the woman's own insurance or on her husband's, but not on both.

Maternity Allowance is payable only on the woman's own record as an employed or self-employed person. It is not payable on the husband's insurance. An employed or self-employed married woman who has elected not to pay contributions will be treated as if she had paid a contribution for each week in which she worked.

¹For this assessment certain payments are disregarded e.g. disability pensions, National Assistance payments and National Insurance benefits (see Leaflet N.I. 27 obtainable from any office of the Ministry of National Insurance).

Where any of these benefits are paid on the woman's own insurance they are payable to any woman, married or unmarried.

A woman who is in receipt of Attendance Allowance or Maternity Allowance is required to abstain from any work other than domestic duties in the home.

Claims for Maternity Benefit may be made before the date of confinement, provided a proper medical certificate of expected confinement is given. In such cases the claimant is bound to notify the confinement.

(iii) *Unemployment and Sickness Benefits*

An employed person under pensionable age may qualify for unemployment or sickness benefit if he satisfies the appropriate contribution conditions. A self-employed person may similarly qualify for sickness benefit but not for unemployment benefit. Contributions paid as a non-employed person do not entitle the contributor to sickness or unemployment benefit.

Unemployment and sickness benefits are not payable for the first three days of sickness or unemployment unless the person is absent from work for at least a further nine days during the thirteen weeks beginning with the first day away from work. Isolated single days of absence from work do not count unless another single day of absence from work occurs within six days.

Unemployment or sickness benefit is increased by 7/6 a week for an only child or the first child in a family of two or more children.

Unemployment or sickness benefit for a married man is increased by 16/- a week if he is living with, or maintaining, his wife as long as she is not earning more than £1 a week herself. A woman may claim an increase of benefit for her husband, if he is incapable of self support and is wholly or mainly maintained by her. Alternatively, a dependency increase can be paid in certain circumstances for other dependent relatives or for a woman looking after the claimant's child or children. Dependency increase can however only be paid in respect of *one* adult dependent.

	<i>Unemployment Weekly Rate</i>	<i>Sickness Weekly Rate</i>
	s. d.	s. d.
For a person over 18 (other than a married woman)	26 0	26 0
For a person under 18 (other than a married woman):		
(i) for any period during which an increase is paid in respect of a dependant	26 0	26 0
(ii) during any other period	15 0	15 0

<i>Unemployment</i>	<i>Sickness</i>
<i>Weekly Rate</i>	<i>Weekly Rate</i>
s. d.	s. d.

For a married woman over 18:

- | | | |
|--|------|------|
| (i) for any period during which she is entitled to an increase of benefit in respect of her husband or during which she is not residing with her husband and is unable to obtain any financial assistance from him | 26 0 | 26 0 |
| (ii) during any other period | 20 0 | 16 0 |

For a married woman under 18:

- | | | |
|---|------|------|
| (i) for any period during which she is entitled to additional benefit in respect of (a) her husband or (b) an adult dependant or child, and in the case of (b) during which she is not residing with her husband and is unable to obtain any financial assistance from him .. | 26 0 | 26 0 |
| (ii) for any other period during which she is entitled to an increase of benefit in respect of a child or adult dependant | 20 0 | 16 0 |
| (iii) during any other period | 15 0 | 15 0 |

To be entitled to sickness benefit at all, a person must have paid 26 contributions as an employed or self-employed person; he is then eligible for up to 312 days benefit (i.e. 52 weeks, Sundays not being counted). When 156 contributions in Class 1 or Class 2 have been paid, benefit is payable without time limit up to pensionable age. To be entitled to benefit at the full rate in a benefit year, a claimant must have paid or had credited 50 Class 1 or Class 2 contributions in his last contribution year before the benefit year began. Benefit may be paid at a reduced rate if less than 50 (but at least 26) contributions were so paid or credited.

A person may be disqualified from receiving sickness benefit for a period not exceeding six weeks in certain circumstances, e.g. if he does any work while claiming benefit.

The contribution conditions for Unemployment Benefit will eventually be the same as for sickness benefit, but during the transitional period special provisions apply. Unemployment Benefit is payable for a maximum period of 180 days (excluding Sundays) plus additional days calculated on the claimant's contribution and benefit record. In certain circumstances extended benefit may be paid beyond this period.

A person who loses his employment by reason of a stoppage of work due to a trade dispute may be disqualified from receiving unemployment benefit so long as the dispute continues; and the following may disqualify a person for a period not exceeding six weeks:

- Loss of employment through misconduct or leaving employment voluntarily without good cause,
- refusal to apply for or accept suitable¹ work offered by an employment exchange or an employer,
- refusal to carry out any reasonable written recommendations given by a Ministry of Labour official, intended to assist him in securing employment,
- refusal to avail himself of opportunities for training under schemes approved by the Ministry of Labour.

(iv) *Guardians Allowance*

An Allowance of 12/- a week is payable to any person in whose family an orphan child is included, if one of its parents was an insured person. (A "child" is defined as for the Family Allowances Act, 1945. See p. 47.)

Where such a child is included in the family of a married couple living together, the wife only is entitled to the allowance and she must make the claim, but either the husband or the wife may draw it.

An allowance may be paid in certain circumstances for a child who is not an orphan in the sense in which the word is generally used, that is, where the child has been adopted or is illegitimate or where the parents are divorced or one parent cannot be traced.

(v) *Retirement Pensions*

Retirement pensions are normally payable to men of 65 or over and women of 60 or over who have retired from regular employment. The insured person must have actually paid 156 contribu-

¹Employment will not be considered suitable if:

- (1) it has become available as the result of a stoppage of work due to a trade dispute; or
- (2) it is employment in the insured person's usual occupation in the district where he was last ordinarily employed, but at a rate of remuneration which is lower or on conditions which are less favourable than those which he might reasonably have expected to obtain in that district or which he would have obtained had he continued in his previous employment; or
- (3) it is employment in his usual occupation but in another district and the rate of remuneration or the conditions are less favourable than those generally observed in that district by agreement between associations of employers and employees, or failing any such agreement, than those generally recognised in that district by good employers.

tions (usually 104 where the person was insured under the old Contributory Pensions scheme) and payment of pension at the full rate requires a yearly average of 50 contributions or credits over the insurance life. Special conditions apply for certain men who were over 55 and women who were over 50 at the start of the National Insurance scheme (July 5th, 1948).

The standard rates of pension are 26/- a week and 16/- a week for a married woman in right of her husband's insurance. If the insured person continues to work after age 65-60 the pension will not be paid, but the amount payable on retirement will be increased by 1/- for every 25 contributions paid after age 65-60. On the other hand, if a person who has qualified for pension on retirement subsequently earns more than 20/- a week, the pension will be reduced by 1/- for every 1/- earned above that amount.

At age 70 for a man and 65 for a woman, however, the pension is payable without regard to employment or earnings.

A pensioner can claim an increase of 16/- a week for a dependent wife under the age of 60 and a pensioner (either man or woman) can claim an additional 7/6 for the first or only child of qualifying age in his family.

The retirement pension payable to an uninsured wife over 60 is increased to 26/- a week in the event of widowhood, together with any increase already earned for her by the husband by deferred retirement.

No person can receive more than one National Insurance retirement pension.

(vi) Widows' Benefits and Pensions

A widow is entitled to an allowance and subsequent pension if her husband had paid at least 156 insurance contributions (usually 104 if the marriage was before July 5th, 1948 and the husband was insured under the old Contributory Pensions Scheme) prior to his death. Payment at the full rate depends upon a yearly average of 50 contributions or credits.

WIDOW'S ALLOWANCE is paid to a woman who is under age 60, or to one over that age whose husband was not entitled to a retirement pension at the time of his death. The allowance is 36/- per week and is paid for the thirteen weeks following the date of death. 7/6 per week extra is paid if the widow has a child of qualifying age in her family.

WIDOWED MOTHER'S ALLOWANCE of 33/6 per week, is paid to a widow with a child of qualifying age in her family who is either a son or daughter of her husband and herself or was in her husband's family when he died. The allowance commences from the date at

which the payment of widow's allowance ceases and usually continues so long as there is a child within the qualifying age limit.

WIDOW'S PENSION of 26/- per week is paid, immediately after the widow's allowance comes to an end, to a woman who has been married for at least ten years and is between 50 and 60 at the time of her husband's death. It is also payable immediately after the widowed mother's allowance ends if the widow is then over 40 and 10 years have elapsed since her marriage; and in certain other circumstances e.g. if the widow is expecting the birth of a child or is incapable of self-support because of infirmity.

Both widowed mother's allowance and widow's pension are subject to reduction in rate where the widow's earnings are more than 30/- a week.

(vii) *Death Grant*

A Death Grant is payable on the death of an insured person or the wife, widow, husband, widower or child of an insured person. The grant is normally paid to the person who has incurred the funeral expenses. Not more than one grant can be paid for any death.

The amount of the Death Grant varies in accordance with the age of the deceased person.

	£	s.	d.
For those under 3 years old	6	0	0
For those between 3 and 6 years old	10	0	0
For those between 6 and 18 years old	15	0	0
For those over 18 years old	20	0	0

Only £10, instead of £20, will be paid in respect of the death of a man who was over 55, or a woman who was over 50, on July 5th, 1948. No Death Grant is payable for the death of any person who was over pensionable age on July 5th, 1948, or for the death before it reaches the age of 10 of a child born before July 5th, 1948. Death Grant is not payable for any death before July 5th, 1949.

At least 26 insurance contributions must have been paid or credited since July 5th, 1948, by the person on whose insurance record the grant is claimed. That person must also have credited to him in the last complete contribution year before the "testing date" at least 45 contributions, or failing that a yearly contribution average of at least 45 over the period from July 5th, 1948 (or 16th birthday if later) to the "testing date". The "testing date" is the date of the death for which the grant is claimed, the date of the insured person's death or the date on which the insured person reached pensionable age, whichever is the earliest,

(viii) *Additional and Miscellaneous Provisions as to Benefit*

When a benefit depends upon insurance contribution conditions and these conditions have not been fully satisfied regulations provide in some cases for the payment of a reduced benefit in proportion to the number of contributions made.

(ix) *Industrial Injuries*

The National Insurance (Industrial Injuries) Act, 1946, requires everyone employed in insurable employment to be insured against industrial injuries. Insurable employment for this purpose is, principally, employment under a contract of service in Great Britain.

The employer is responsible for paying one half of the weekly contribution and the employee is responsible for payment of the other half. The weekly contribution rates are: for Men over 18—8d., for Boys under 18—5d., for Women over 18—6d., for Girls under 18—4d. These weekly contributions are added to the weekly contributions payable under the National Insurance Act, 1946, and a stamp for the total amount is affixed to each insurance card.

The National Insurance (Industrial Injuries) Act, 1946, supersedes the Workmen's Compensation Acts 1925-1945, in relation to any employment on or after July 5th, 1948.

An insured person who suffers personal injury caused by accident arising out of and in the course of insurable employment is entitled to claim benefit. Injury Benefit is paid for any days of resulting incapacity within a period of 156 days (excluding Sundays) from the date of the accident. Disablement Benefit may be payable following injury benefit if the injured person suffers from a loss of faculty—physical or mental disablement. If an accident occurs in the course of employment it will be assumed to have arisen out of the employment, failing evidence to the contrary. Injuries received whilst travelling in the employer's transport, or during an attempt to save persons or property on the employer's premises during an emergency, such as a fire or explosion, may also qualify for benefit.

Injury Benefit is 45/- a week for those over 18, and this is increased in respect of dependants as sickness benefit is. For those between 17 and 18 the rate is 33/9 a week and for those under 17, 22/6 a week unless there is entitlement to a dependant's allowance where the full rate of 45/- is payable.

Disablement Benefit rates vary according to the degree of disablement suffered, measured in comparison with a normal able-bodied person of the same age and sex. The assessment of the extent of the

disablement is a matter for a medical board. Disablement Pension is only paid to those whose disablement is assessed at more than 20%; those whose loss of faculty is permanent but whose disablement is less than 20% are entitled to a Disablement Gratuity, provided the loss of faculty exists at the end of the injury benefit period.

Disablement Pension rates are: 100%—45/- per week, 90%—40/6 per week, 80%—36/- per week, 70%—31/6 per week, 60%—27/- per week, 50%—22/6 per week, 40%—18/- per week, 30%—13/6 per week, 20%—9/- per week.

Disablement Gratuity never exceeds £150.

All Disablement Benefit rates are reduced by one quarter in the case of those between 17 and 18, and by one half in the case of those under 17, unless the beneficiary is receiving an allowance for a dependant when maximum rates are paid.

Where a beneficiary is permanently incapable of work the Disablement Pension may be increased by an Unemployability Supplement of 20/- a week for a person over 18, 15/- a week for one between 17 and 18 and 10/- a week for one under 17.

Anyone who is receiving a Disablement Benefit *and* who is undergoing approved hospital treatment or receiving Unemployability Supplement is entitled to allowances for dependants at the rates and to the extent applicable to sickness benefit.¹

A disablement pensioner who enters hospital for approved treatment is treated for the period in hospital as if his disablement were assessed at 100%.

A disablement pensioner whose degree of disablement is 100% may receive an allowance if he needs constant attendance because of his loss of faculty. This allowance normally does not exceed 20/- weekly.

A person receiving disablement benefit who is unable to resume his regular occupation, or a suitable occupation of equivalent standard, because of his loss of faculty, may receive a special hardship allowance not exceeding 20/- weekly. (Pension plus increase not to exceed 45/-.)

DEATH BENEFIT (INDUSTRIAL INJURIES): The widow of an insured man who dies as a result of an industrial accident may receive a pension. The rate of pension is 36/- weekly for thirteen weeks, followed by 20/- a week except where, (i) she has a child of the deceased's family; or (ii) she was over 50 at her husband's death; or (iii) she was, at his death, permanently incapable of self-support: in these three cases, the rate is 30/- weekly. If she remarries or cohabits with a man as his wife the pension ceases, but on remarriage she receives a gratuity of fifty-two times the weekly rate of pension she is receiving at the time.

A widower who is permanently incapable of self-support and has been wholly or mainly maintained by his wife is entitled to a pension of 30/- a week for life if she dies as the result of an industrial accident.

¹See Section (iii): Sickness Benefit.

An allowance of 7/6 a week is payable in respect of a child of the deceased's family, normally the elder or eldest such child.

A parent, or a relative permanently incapable of self-support, who has been maintained by the deceased person to a substantial extent (that is, to the extent of 5/- or more weekly) may receive a gratuity not exceeding £52; (if two parents qualify the joint gratuity must not exceed £78).

A parent, or a relative permanently incapable of self-support, who has been wholly or mainly maintained by the deceased can claim a pension. This cannot exceed 20/- a week; (if two parents living together both qualify their pensions will be 15/- a week each). A relative cannot receive a pension if a widow, widower or parent receives one, but may have a gratuity instead not exceeding £104.

A relative who was wholly or mainly maintained by the deceased, but not incapable of self-support, may receive an allowance of 36/- weekly for thirteen weeks.

A woman having the care of the deceased's child, who was residing with, and wholly or mainly maintained by, the deceased, may receive an allowance of 20/- weekly so long as she is caring for the child (subject to her marriage or remarriage or cohabitation).

B: NATIONAL ASSISTANCE

i. *National Assistance*: ii. *Re-establishment Centres and Reception Centres*:
iii. *Local Authority Assistance Services*.

(i) *National Assistance*

The National Assistance Act, 1948, abolished the last remnants of the old Poor Law system and established a comprehensive service of assistance for persons in need, founded on modern conceptions of social welfare.

The services provided under the Act fall into two main groups:

- (1) National Assistance—taking the form mainly of financial aid to those in need and whose needs are not otherwise met by National Insurance or from any other source. This is a function of the National Assistance Board.
- (2) Residential accommodation for the aged, the infirm and others who require care and attention to be provided in this way, with special welfare services for certain handicapped persons. This is a function of county and county borough councils and in Scotland of the large burghs.

The National Assistance Board consists of a chairman, deputy chairman and one to four other members appointed by the Minister

of National Insurance who represents the Board in the House. One member of the Board must be a woman.

ADVISORY COMMITTEES: The advice and experience of persons with local knowledge is made available to the Board through advisory committees established throughout the country.

APPEAL TRIBUNALS: Appeal Tribunals, each consisting of a paid chairman and two other members, one appointed by the Minister and one a representative of work people, consider appeals against decisions of the officers of the National Assistance Board concerning entitlement to assistance, the amount of grants, etc.

Any person aged 16 or over who is not engaged in full time work and is in need can apply for assistance from the National Assistance Board. In particular, old age and other pensioners can apply for assistance in supplementation of their pensions.

The question whether an applicant is in need of assistance is decided by taking the appropriate figure or figures from the table below, adding an allowance for rent (see subsequent para.) and then deducting such amount of any resources he may have as the Regulations say is to be taken into account.

The scale of assistance to meet requirements other than rent is as follows:

					s.	d.
(i)	For a husband and wife	..	..	..	40	0
(ii)	For a man or woman who is living alone or is a householder	..	..	..	24	0
(iii)	For anyone else:					
	Under 5 years of age	..	..	..	7	6
	Aged 5 or over and under 11	..	..	..	9	0
	Aged 11 or over and under 16	..	..	..	10	6
	Aged 16 or over and under 18	..	..	..	15	0
	Aged 18 or over and under 21	..	..	..	17	6
	Aged 21 or over	..	..	..	20	0

Special rates are provided where the applicant or his wife is blind or has suffered a loss of income in order to undergo treatment for respiratory tuberculosis. In such cases the rates are:

					s.	d.
(i)	For a husband and wife:					
	of whom one is such person	..	..	..	55	0
	of whom both are such persons	..	..	..	65	0
(ii)	For anyone else:					
	Aged 16 or over and under 18	..	..	..	25	0
	Aged 18 or over and under 21	..	..	..	30	0
	Aged 21 or over	..	..	..	39	0

The allowance to be added for rent depends, if the applicant is a householder, on the amount he is paying and the extent to which

this is reasonable in the light of the general level of rents in the locality, a matter on which the Board are guided by recommendations of the local Advisory Committees. If the applicant is not a householder, the rent allowance is a share (minimum 2/6, maximum 10/-) of the rent paid by the person in whose house he is living, but in the case of persons under 18 years of age, no rent allowance is given.

The resources to be deducted are the resources of the applicant and his wife and dependent children under 16 (whose needs are included with his) including old age or retirement pension, widow's pension, unemployment benefit, sickness benefit and family allowances. If the resources include earnings, part of the earnings (10/- a week in the case of persons required to register at the employment exchange, 20/- in the case of other persons) is not taken into account, and special treatment is also given to certain other kinds of income such as superannuation, sick pay from friendly societies, disability pensions and disablement benefit, maternity allowances and workmen's compensation.

The resources of other persons living with an applicant e.g. adult sons and daughters, will not usually be enquired into, but if the applicant (other than a blind person) is a householder these persons may be regarded as making a contribution, not exceeding 7/- a week per person, towards the rent and general expenses of the household and this contribution will be deducted from the assistance otherwise payable.

Capital resources of less than £75 do not affect the assistance payable; no assistance is normally paid to anyone possessing capital exceeding £400. (In assessing capital resources no account is taken of War Savings under £375 or of the value of a house owned and occupied by the applicant or his wife.) If the capital is between £75 and £400, the assistance otherwise payable is reduced by 6d. a week in respect of the first £75 and a further 6d. in respect of each additional £25.

Where there are special circumstances, the amount payable, calculated as above, may be adjusted accordingly.

The needs of a resident in a local authority home are assessed at 26/- a week (21/- a week has been prescribed by the Ministry of Health as the minimum charge which an authority is to make to residents for accommodation).

If the National Assistance Board considers that an applicant for assistance, who is not in receipt of unemployment benefit, is refusing or neglecting to maintain himself or any person whom he is liable to maintain, the Board may make a report to the Appeal Tribunal which, after giving the applicant an opportunity of being heard, may give a direction enabling the Board, among other things, to require the applicant to undergo a course of suitable training or instruction as a condition of receiving any assistance grant.

For the purposes of the National Assistance Act, 1948, a man is

liable to maintain his wife and his children¹ and a woman is liable to maintain her husband and her children.² This question of liability most commonly arises when assistance is given to a married woman apart from her husband, or for an illegitimate child. The National Assistance Board or the local authority concerned (i.e. where residential accommodation is provided) may obtain a Court Order to recover the cost of assistance from the "liable relative". Proceedings are heard in a Court of Summary Jurisdiction in England and Wales and in the Sheriff Court in Scotland.

The provisions of the National Assistance Act do not remove the entitlement of a separated wife to proceed against her husband under the Summary Jurisdiction (Separation and Maintenance) Acts or of a mother of an illegitimate child to proceed against a putative father under the Bastardy Laws Amendment Acts.

(ii) *Re-establishment Centres and Reception Centres*

The Board has power, subject to the approval of the Minister of National Insurance, to provide Re-establishment Centres for those who need re-establishment because of lack of regular occupation or of instruction or training. Such persons may attend or be maintained at a Centre and receive suitable instruction to fit them for entry into or return to regular employment. In addition to the power to maintain their own re-establishment centres the National Assistance Board may contribute towards the cost of the provision of similar facilities at centres maintained by voluntary organisations.

For men and women "without a settled way of living" (corresponding roughly to the "casuals" of Poor Law days) Reception Centres provide temporary board and lodging where they may be influenced to return to a more normal way of life. The National Assistance Board may require local authorities (county councils and county borough councils, in Scotland county councils and councils of large burghs) to provide and maintain Reception Centres on behalf of the Board, and at the time of writing all the Reception Centres are maintained by local authorities in most instances in premises in which accommodation was provided for casuals before the Act came into force. The local authorities are reimbursed for expenses incurred in complying with the requirements of the Board.

Officers of the Board and of the local authorities maintaining Reception Centres co-operate with the local officers of the Ministry of Labour and National Service in endeavouring to find regular employment for persons who seek admission to Reception Centres.

¹A child is defined for the purpose of the Act, as a person under the age of 16.

²As defined in the National Assistance Act, 1948.

(iii) *Local Authority Assistance Services*

The National Assistance Act, 1948, requires every county and county borough (in Scotland the Council of every large Burgh) to provide:

- (a) Residential accommodation for persons who by reason of age, infirmity or any other circumstances are in need of care and attention which is not otherwise available to them.
- (b) Temporary accommodation for persons who are in urgent need thereof, being need arising in circumstances which could not reasonably have been foreseen or in such other circumstances as the authority may in any particular case determine.

Local authorities, under this Act, may also make arrangements with voluntary organisations for the provision of accommodation, in lieu of or in supplementation of accommodation provided directly by themselves. Voluntary organisations include bodies recognised as housing associations for the purposes of the Housing Acts.

Residents are charged for the accommodation provided and the sum charged must not fall below a minimum rate prescribed by the Minister of Health (21/- a week). (Residents without any private means of support will be in receipt of a grant from the National Assistance Board.) The charge made for accommodation must not take all of a resident's income; a minimum sum of money prescribed by the Ministry of Health must be left to the resident to pay for his personal requirements.

All privately conducted homes for aged or disabled persons must be registered with the local authority for the area in which the home is situated. There is a registration fee of 5/-. Registration may be refused to any home managed by unfit or unqualified persons, or carried on in unsuitable premises. If at any time a home which has been registered falls short of these minimum standards of conduct, etc., the registration may be cancelled. Where a registration has been cancelled or refused an appeal may be made to a Court of Summary Jurisdiction.

Officers of the Ministry of Health and of the responsible local authority have the right to inspect any premises being used as a disabled or old persons' home.

The National Assistance Act, 1948, amends the War Charities Act, 1940, and makes it obligatory for all charities for disabled persons to be registered with the appropriate local authorities. Registration can be refused to any charity if its objects are adequately attained by a charity already registered.

ADDRESSES OF MINISTRIES AND ORGANISATIONS REFERRED TO IN CHAPTER 3

Ministry of National Insurance,
6 Carlton House Terrace, S.W.1.
Tel.: WHItchall 4341.

Ministry of Labour,
8 St. James's Square, S.W.1.
Tel.: WHItchall 6200.

National Assistance Board,
Vicarage House, Soho Square, W.1.
Tel.: GERrard 7878.

CHILD CARE

. *Family Allowances*: ii. *Adoption*: iii. *Protection of Children and Young Persons*.

(i) *Family Allowances*

Family allowances paid by the State were introduced by the Family Allowances Act, 1945, and are administered by the Ministry of National Insurance. An allowance of 5/- per week is paid in respect of every child in a family of two or more children other than the elder or eldest.

For the purposes of the Family Allowances Act a child is defined as one who is either under the upper limit of the compulsory school age, or is under 16 years of age and undergoing full-time instruction in school or as an apprentice.

The following are regarded as families for the purposes of this Act:

- (a) a man and wife living together, any of their children, or any child or children maintained by them;
- (b) an unmarried man, a widower or a man living apart from his wife, any of his children, and any child or children being maintained by him.
- (c) an unmarried woman, a widow or a woman living apart from her husband, any child or children of hers, and any child or children being maintained by her.

Where a man and wife are living together the family allowances belong to the wife. There are no upper income limits or other restrictions on the payment of these allowances.

(Under the provisions of the National Health and National Insurance schemes, many allowances are, of course, payable in respect of a first child. See Chapter 3, Social Security Services.)

(ii) *Adoption*

The adoption of children is regulated by the Adoption of Children Acts of 1926 and 1939.

The only bodies legally entitled to make arrangements for adoption are local authorities and voluntary adoption societies which

must be registered with the county council or county borough council in whose area their headquarters are situated.

Adoption orders are granted by the High Courts, the County Courts and the Juvenile Courts. Application must be made by the person who wishes to adopt the child, with the consent of the child's parents or other interested parties. The child must be under 21, unmarried and a British subject and the Court must be satisfied that the order if made will be for the welfare of the child. All applicants must be over 25 years of age and at least 21 years older than the child except where there is a close relationship. A man living alone is rarely allowed to adopt a girl.

The Court always appoints a guardian *ad litem*¹ whose duty it is to safeguard the child's interests; this task is often undertaken by an official of the Local Education Authority.

An adoption order transfers all rights, duties, obligations and liabilities with regard to the child's maintenance and education to the person(s) adopting the child, but the child retains any previous right to succeed to property, etc.

Where an adoption has been arranged by a registered society all adoption orders are subject to a probationary period of three months. No such limitation is made on adoptions arranged by parents, a "third party" or local authority.

(iii) *Protection of Children and Young Persons*

The central authority for the administration of the child welfare provisions of the Children Act, 1948, Children and Young Persons Act, 1933, the Adoption of Children Act, 1939 and other related legislation is the Home Office.

A Central Advisory Council on Child Care appointed by the Secretary of State advises him on matters affecting child welfare in England and Wales. There is also a separate Advisory Council on Child Care for Scotland.

The local authorities responsible for the administration of the Children and Young Persons Act, 1933, and the Children Act, 1948, are county councils (including the L.C.C.) and county borough councils.

Such local authorities are required to establish a children's committee to consider matters affecting child welfare within their areas; a majority of the members of such committees must be members of the local authority concerned.

They are also required to appoint a children's officer who is employed full-time on child welfare duties. The appointment of any children's officer is subject to the approval of the Secretary of State, who can also allow one children's officer to act in that capacity for two or more local authorities.

¹*ad litem*—"for a suit" i.e. in the eyes of the law.

The Children Act, 1948, makes it a duty for a local authority to receive into its care any child under the age of seventeen,

- (a) who has neither parents nor guardians or has been abandoned by them or is lost; or
- (b) whose parents or guardian are temporarily or permanently prevented by illness or other incapacity from giving him adequate care.

When a child's parents are dead and he has no guardian or his parents or guardian have abandoned him or are permanently incapable of looking after him, the local authority can assume full parental rights, powers and responsibilities.

By court order under the Children and Young Persons Act, 1933, a child may be committed to the charge of a local authority as the "fit person" under the provisions of the Act.

It is then the duty of the local authority "to further the child's best interests, and to afford him opportunity for the proper development of his character and abilities".

Accommodation and maintenance can be provided by boarding out on agreed terms, subject to supervision, or by boarding in a home maintained by the local authority or by a voluntary body.

When a child is boarded out, the premises must be inspected and approved by the local authority and the occupants must be of the same religious persuasion as the child wherever possible.

Adequate homes and hostels for children under their care must be established and maintained by the local authority.

The father and mother of any child under the age of sixteen within the care of a local authority can be compelled to contribute financially towards his maintenance.

Homes maintained by voluntary organisations must be registered at the Home Office and must conform to regulations laid down by the Secretary of State for the welfare of the children. The Secretary of State may also arrange with voluntary bodies for the emigration of children.

Under the Nurseries and Child Minders Regulation Act, 1948, every local health authority must maintain registers of

- (a) premises in its area (other than those used as dwelling places), where children are received to be cared for during any part of the day or any longer period not exceeding six days;
- (b) of persons in its area who receive into their homes children under the age of five to be cared for for a financial consideration.

The Local Health Authority is entitled to demand that certain minimum standards of cleanliness, safety and suitability are conformed with before registration takes place and may insist that adequate food is provided for the children under suitable conditions.

Under the provisions of various Acts many practices which may result in physical or mental harm to children are specifically for-

bidden and many forms of neglect are punishable as indictable offences—for instance:

Refusal to allow a Children's Officer or other authorised person to examine any child or the premises in which he is living.

Failure to provide adequate food, clothing, medical aid or lodging.

Exposure of a child under 7 years of age to risk of burning or scalding through failure to provide a fireguard.

Allowing a child between the ages of 4 and 16 years to live in or frequent a house of ill repute.

Responsibility for the sexual immorality of a girl under 16 years of age, e.g. her seduction or prostitution.

Sale of cigarettes or cigarette papers to a person under 16 years of age.

Permitting a child under 5 years of age to drink intoxicants.

Allowing a child under 16 to be in the bar of any licensed premises.

Failure to provide for the safety of children at entertainments.

The training of a child under 12 years of age to take part in performances of a dangerous character or of a child under 16 years of age to do so without a licence under Section 24 of the Children and Young Persons Act, 1933.

Exploitation of a child under 16 years of age in begging.

Prevention of a child over 5 years of age from receiving efficient education.

Responsibility for the death of a child under 3 years of age by overlaying when under the influence of drink.

ADDRESS OF MINISTRY REFERRED TO IN CHAPTER 4

Home Office,

Whitehall, S.W.1.

Tel.: WHItchall 8100.

5

EDUCATION

i. *Administration*: ii. *Primary and Secondary Education*: iii. *Further Education*: iv. *The School Health, Food and Clothing Services*: v. *Special Educational Treatment for Handicapped Children*: vi. *The B.B.C. Educational Services*: vii. *Visual Aids*.

(i) *Administration*

CENTRAL ADMINISTRATION: The central authority for the administration of the educational system is the Ministry of Education. The duties of the Minister of Education are defined as "to promote the education of the people of England and Wales and the progressive development of institutions devoted to that purpose, and to secure the effective execution by local authorities, under his control and direction, of the national policy for providing a varied and comprehensive educational service in every area". Education Act, 1944.

Two Central Advisory Councils, one for England, and the other for Wales and Monmouth, advise the Minister upon any questions referred to them by him and upon such matters concerned with educational theory and practice as they think fit. The Chairmen and members of these Advisory Councils are appointed by the Minister and must include people with experience of the statutory educational services.

LOCAL ADMINISTRATION OF STATUTORY SERVICES: County councils and county borough councils are the local education authorities responsible for the local administration of the statutory services. The Minister may at his discretion combine two or more of these authorities in a Joint Education Board where this tends towards increased efficiency or reduced expenditure. A borough or urban district council which had a population of not less than 60,000 on June 30th, 1939 or which had not less than 7,000 elementary school-children on its register on March 31st, 1939 may be allowed to prepare its own schemes of education if it so desires, but its plans must be submitted to the Ministry via the Committees of the County Council. The areas of such authorities are known as "excepted districts".

(ii) *Primary and Secondary Education*

ATTENDANCE: Every child must attend School, unless there is a reasonable excuse for non-attendance, from the age of 5 to the end of the term in which he reaches his fifteenth birthday. The following are reasonable excuses for non-attendance: (a) that the child is under efficient instruction in some other manner; (b) that the child has been prevented from attending school by sickness; (c) that there is no Primary (or Secondary) school within walking distance. Distance is not an excuse if the education authority has made suitable arrangements either for transport or for boarding accommodation. Transport is provided by the L.E.A. in most districts not served by public passenger services.

METHOD OF ENFORCING ATTENDANCE: Attendance at school is enforced through the School Attendance Officer who visits the home of any child absent from school to ascertain the reason for non-attendance.

Under Section 40 of the Act, it is the duty of the local education authority to institute proceedings in a Court of Summary Jurisdiction against parents who fail to send their child to school regularly. In addition, whether or not the parents have been convicted, a child that has failed to attend school regularly can be called before a Juvenile Court which has power to make an order to secure regular attendance under Section 62 of the Children and Young Persons Act, 1933, as for a child in need of care or protection.

Where it is proposed to interfere with the attendance at school of a child by sending him to a convalescent home, or for a holiday, the School Authorities should first be consulted, so that unnecessary trouble may be avoided.

Every local education authority is required to provide sufficient schools for primary education for junior pupils under 12 and for the full-time secondary education of senior pupils over 12. Such schools must be "sufficient in number, character, and equipment to afford for all pupils opportunities for education offering such variety of instruction and training as may be desirable in view of their different ages, abilities and aptitudes . . . including practical instruction and training appropriate to their respective needs".¹ Primary and secondary education must be provided in separate schools.

Primary schools for children who are between the ages of 2 and 5 are known as nursery schools. Local education authorities are instructed to provide adequate nursery schools in separate accommodation or alternatively to provide nursery classes in other schools. Where a nursery school has been established by a voluntary body the local education authority may give financial assistance if it so desires.

¹Section 8 of the Education Act, 1944.

A local education order made by the Minister will be the basis for the educational planning of each local education authority. Each order specifies the allocation of existing premises between different types of school, the approved proposals for new construction and the county schools and voluntary schools which it is the duty of the authority to maintain. The orders which the Minister has made (which may be amended from time to time at his discretion) are based on development plans submitted by the local education authorities before April 1st, 1946 which were prepared after consultation with interested parties, including the governors and managers of schools in the area. The plans covered the whole provision of primary and secondary education.

Primary and secondary schools maintained and established by local education authorities are called county schools; primary and secondary schools maintained by local education authorities but established by other bodies are known as voluntary schools. All primary and secondary education in schools maintained by a L.E.A. is free.

SECONDARY EDUCATION: The national system of secondary education provides three distinct types of school—(i) The Grammar School gives an academic education suitable for children intending to enter the professions, etc. (ii) The Technical School is for children who show an aptitude for technical arts and crafts. (iii) The Modern School is for children who do not show any particular ability in academic or technical subjects, and provides a general education with a vocational basis. Pupils generally commence secondary education at the age of 12. Although the three types of school differ in emphasis it is intended that the quality of the education provided should be of the same standard in all.

Some Local Education Authorities favour the large multilateral school in which all three types of school are united under one roof. During the present transitional period it is normal for Grammar Schools to be housed in what were originally Secondary and County Schools, Technical Schools in the old Junior Technical Colleges, and Modern Schools in the old Senior Schools.

VOLUNTARY SCHOOLS: Voluntary schools are of three categories—controlled schools, aided schools and special agreement schools.

A Controlled School is a voluntary school where the managers or governors are not responsible for any of the expenses of maintenance. Two-thirds of the managers of such schools are nominated by the local education authority and the managers have only limited powers, but they must be consulted over the appointment of the head teacher. Denominational instruction in a controlled school must not exceed two periods per week.

An Aided School is a voluntary school where the managers are in receipt of a maintenance contribution towards alterations and repairs but undertake to find at least half of the cost themselves.

The managers of an aided school may appoint teachers of their own choice and may include denominational instruction in the school's curriculum at their discretion.

A Special Agreement School is a voluntary school for which a special agreement has been made with the local education authority; such schools receive a grant of not less than one half or more than three quarters of the cost of executing the proposals to which the agreement relates. These agreements generally refer to building schemes commenced under the Act of 1936 but held over because of the war, or to voluntary schools which have suffered war damage. The local education authority reserves the right to nominate one-third of the managers and to appoint teachers.

RELIGIOUS INSTRUCTION: It is a statutory requirement in the case of all primary and secondary schools maintained by local education authorities in England and Wales that the day should begin with a collective act of worship and that religious instruction should be given. Any child must, however, be excused from attendance at either the collective act of worship or the periods of religious instruction, if his parents so desire. In voluntary schools the religious instruction is denominational in character, but in schools provided as well as maintained by the local education authority, the religious instruction must be undenominational and given in accordance with a syllabus agreed locally between representatives of the local education authority, the religious denominations concerned and the teachers' associations.

BOARDING SCHOOLS: Local education authorities are required to provide adequate residential schools for secondary education under the Education Act of 1944.

PRIVATE AND INDEPENDENT SCHOOLS: Part 3 of the Education Act, 1944, which provides for the establishment of a register of independent schools, will come into operation at a date to be fixed by the Minister. All such schools will then be subject to inspection by the Ministry and where unqualified or unfit persons are in immediate charge of the school or where the premises are unsuitable the Minister will be able to order the closure of the school. An Independent Schools Tribunal will consider appeals against any closure order.

Those schools, including boarding schools, which receive a direct grant aid from the education authorities are known as "assisted schools" and are required to reserve a certain number of places for children who are nominated by those authorities.

Many independent schools are co-operating in schemes to ensure that a proportion of places is available for boys from County Schools unable to pay the normal tuition fees, following the recommendations of the Fleming Committee's Report in 1944.

(iii) *Further Education*

Section 41 of the Education Act, 1944, reads: ". . . it shall be the duty of every local education authority to secure the provision for their area of adequate facilities for further education, that is to say:

- "(a) Full-time and part-time education for persons over compulsory school age: and
- "(b) leisure-time occupation, in such organised cultural training and recreative activities as are suited to their requirements, for any persons over compulsory school age who are able and willing to profit by the facilities provided for that purpose."

The Ministry of Education has recommended the formation of Regional Councils of Further Education representative of the local authorities, employers, universities and voluntary organisations to develop and co-ordinate further education facilities. A number of such regional councils have already been established.

THE UNIVERSITIES: There are thirteen degree-giving Universities in England and Wales—Birmingham, Bristol, Cambridge, Durham, Leeds, Liverpool, London, Manchester, Nottingham, Oxford, Reading, Sheffield and Wales and in Scotland, four—Aberdeen, Edinburgh, Glasgow and St. Andrew's. In addition there are University Colleges in England at Exeter, Hull, Leicester, Southampton and Stoke-on-Trent.

All English Universities are self-governing but all receive direct grants from the Treasury, made on the advice of the University Grants Committee, a panel of academic experts. (The University Grants Committee is a committee of the Treasury.) There is a limited number of State Scholarships for honours degree courses and all Universities and University Colleges provide exhibitions and scholarships from their own funds. State Scholarships are awarded on the results of the Higher School Certificate examinations in secondary grammar schools.

The overall government of the Scottish Universities is conducted by the Scottish Universities Committee of the Privy Council; each individual University is ruled by a University Court.

Degree courses are normally of three to four years' duration, (for degrees in medicine the usual minimum course is from five to six years).

TECHNICAL, COMMERCIAL AND ART EDUCATION: Technical, commercial and art education is non-obligatory for any class of student. Education of this type is generally provided in technical, commercial and art colleges established by local education authorities; some employers provide both general and vocational education for their employees in schools and colleges maintained by themselves. Most vocational education takes the form of part-time study after entry

into employment and is concurrent with it; the former junior technical and art schools have been absorbed into the new pattern of secondary education provided under the Education Act, 1944.

The work of the technical colleges is principally in the training of technicians and craftsmen. National certificates recognised by the Ministry of Education and the professional institutions concerned (e.g. the Institute of Mechanical Engineers) are obtainable by technical students after courses generally of three years' duration. The examinations for Higher Certificates are taken after a further two years study.

Technical colleges also provide instruction for students preparing for the examinations of professional bodies such as the Institute of Chartered Accountants. The teaching in art schools is necessarily of a more individual character and there are no examinations corresponding to the National Certificate examinations for technical students.

COUNTY COLLEGES: Under Section 43 of the Education Act of 1944, local education authorities are also required to establish and maintain county colleges which are centres "providing for young persons who are not in full-time attendance at any school . . . such further education, including physical, practical and vocational training as will enable them to develop their various aptitudes and capacities and will prepare them for the responsibilities of citizenship". Students will not be required to pay fees.

It will be compulsory for every young person who has left school and is under the age of 18 to attend for further education at a county college either (a) for one whole day or two half days each week for forty-four weeks during each year, or (b) for one continuous period of eight weeks or two continuous periods of four weeks in each year.

(The date upon which the relevant clauses of the Act will come into operation has not yet been fixed by the Minister of Education.)

NON-VOCATIONAL EDUCATION: The universities, local educational authorities and voluntary organisations all assist in the provision of non-vocational education. The newly amalgamated National Institute of Adult Education co-ordinates work in this field.

Non-vocational education for those under 18 years old has been almost entirely undertaken by the local education authorities. It is intended that County Colleges shall provide extended facilities for young people including craft-work and games.

The extra-mural departments of the universities and the Workers' Educational Association and other voluntary organisations provide a great variety of courses designed to promote liberal education and serious study, complementary to the adult classes of local education authorities. Most W.E.A. classes are of a year or term's duration although the Association places its emphasis on tutorial classes of longer duration; the university courses often involve more intensive study with a view to the taking of a diploma examination at the end

of a three year course. Schemes for improving education have been strongly supported by various Trusts.

YOUTH ORGANISATIONS AND CLUBS: A Youth Branch at the Ministry of Education and a National Youth Committee co-ordinate the work of voluntary and statutory organisations in this "Service of Youth".

Local education authorities are charged with the duty of maintaining district Youth Committees on which both voluntary and statutory organisations are represented. Full time paid youth organisers are employed by most L.E.A's, many of which maintain their own centres and clubs for young people.

In general the policy of the State has been to focus and supplement the work of existing voluntary organisations without impairing their independence. Considerable grants are made both nationally and locally to the youth organisations most of which still insist upon a small subscription by their members and derive a proportion of their funds from private sources.

A Standing Conference of National Voluntary Youth Organisations organised in association with the National Council of Social Service includes members of the chief voluntary organisations and of the Ministry of Education Youth Branch. There are fifty associated Local Standing Conferences in conjunction with S.C.N.V.Y.O. which include representatives of local branches of the voluntary organisations and the local education authorities.

The pre-service organisations for boys, the Army Cadets, Sea Cadets and Air Cadets are associated with the respective service departments. The National Association of Training Corps for Girls is sponsored by the Ministry of Education.

Activities and interests of all kinds are fostered by the multitude of organisations which work for youth. Boy Scouts and Girl Guides, Church youth groups and the youth organisations of the major political parties all make their different contribution to youth service. S.C.N.V.Y.O. alone represents nearly four million young people under 21.

PHYSICAL TRAINING AND RECREATION: A Central Council of Physical Recreation co-ordinates the activities of those organisations (for adults, youths and children) which endeavour to promote the well-being of the community through physical recreation. It is grant aided by the Ministry of Education and the Ministry of Labour and National Service and includes representatives of the youth organisations.

In July 1940 the Central Council instituted a National Test for leaders of physical recreation. At Bisham Abbey in Berkshire the Central Council maintains a National Recreation Centre where leaders' training courses in physical recreation are held.

Organised games form part of the curriculum of almost all schools. Usually at least one half day per week is devoted to cricket, football, hockey or some other team sport. In addition gymnastics or simple

exercise is included in the daily timetable. Some local education authorities employ special organisers of physical training to superintend and direct the work in their areas and to advise the teachers who are responsible for the training in the schools.

Parks, open spaces and recreation grounds generally provide facilities for games in the children's leisure time but these facilities are not yet adequate.

The Physical Recreation Act of 1937 enables local authorities to provide swimming pools, tennis courts, gymnasia, holiday camps and camping sites, and centres for the use of clubs, societies and organisations having athletic, social or educational objects. They may either manage such lands and buildings themselves or let them for use for the purposes for which they were provided. They are also empowered to train, or arrange for the training of, leaders, teachers and wardens with a view to securing the effective use of facilities provided for exercise, recreation and social activities.

Camping is an increasingly popular holiday activity; camps for young people are organised by both statutory and voluntary youth organisations. Voluntary organisations maintain hostels in all parts of the country where young people on cycling or walking holidays can obtain cheap meals and accommodation.

A course in physical training and hygiene is included in the general two years training for recognition as a qualified teacher. There are a number of special physical training colleges and certain colleges provide full-time and vacation courses in physical training.

(iv) *The School Health, Food and Clothing Services*

MEDICAL INSPECTION AND TREATMENT: The purposes of the School Health Service are not merely the detection of defects in school children and their treatment but the advancement of the health and physical development of children and young persons.

It is the duty of every local education authority to provide for the medical inspection at regular intervals of all pupils attending at their schools and county colleges. The education authority may also make arrangements for medical inspection of senior pupils and students attending any of their other educational establishments. Medical inspection is at present carried out at least three times during a child's school career.

Particulars are obtained as to physical and mental condition, cleanliness, etc., and notes are taken of any defects, which are followed up by means of visits by School Nurses to the homes and re-inspections by Medical Officers.

Special cases or "ailing children" may be the subject of consultation with the Medical Officer if the teachers, nurses, parents or other persons think it necessary, either when the routine inspection takes place or at special inspection clinics held for such cases.

Free medical treatment is available for all children attending schools and colleges maintained by local education authorities at medical, surgical and dental clinics specially provided or at existing hospitals. A parent is not compelled to send his child for treatment under the School Health Service (if he has any objections to so doing).

When there is an epidemic of infectious disease, the Medical Officer of Health for the Borough, acting as Schools Medical Officer advises on the closing of schools or classes. He is responsible for the exclusion of individual children when the health of the child would suffer from attendance at school.

When a child has left school, information from his health records may be provided at his place of employment for the guidance of the examining surgeon under the Factory Acts and of his family doctor.

Certain local education authorities provide a child guidance service employing qualified psychiatrists, educational psychologists and psychiatric social workers.

Many universities and similar educational establishments which do not come within the scope of the scheme mentioned above now provide free medical inspection at special clinics and surgeries.

MILK AND MEALS: All children attending grant aided primary or secondary schools are entitled to $\frac{1}{2}$ pint of milk daily in school free of charge in addition to whatever they may receive at home. School dinners are provided for about half of the children at primary and secondary schools, on payment of a charge not exceeding the cost of the food (usually fivepence). The education authorities have power to provide meals at other times where desirable: the service can be continued if necessary during the school holidays. When there is sufficient and suitable accommodation for all children it is intended that school dinners shall be provided free of charge.

CLOTHING: Where it appears that a child is unable to take full advantage of his education because of lack of clothing, the local education authority may provide him with adequate clothing during the time he is a pupil at their schools.

BOARD AND LODGING: If the school or college best suited to a child or young person's age and aptitudes is beyond daily travelling distance from his home or if for some other reason it is necessary in the interests of his education, the local education authority may provide him with board and lodging in or near the school. The child's parent (or the young person himself) is allowed as far as practicable to choose the religious denomination of the person with whom he will live. The local education authority may require the parent of the child to pay all or part of the cost of his board and lodging; alternatively, if board and lodging has been provided for a young person at a county college he may be required to pay for himself if he is in a financial position to do so.

(v) *Special Educational Treatment for Handicapped Children*

Under the Education Act, 1944, it is the duty of every local education authority to ascertain what children in their area require special educational treatment. For this purpose an authority may require the parent of any child over the age of 2 to submit the child for a medical examination. Similarly, the parent of any child over the age of 2 can request the authority to carry out a medical examination of his child. If, as a result of this medical examination, the authority decides that the child requires special educational treatment, it is its duty to provide it. Parents, however, need not agree to such treatment until the child is of statutory school age.

The Ministry's regulations define eleven categories of handicapped children. Unless the Minister otherwise determines, blind, deaf, physically handicapped, epileptic and aphasic children must be educated in special schools. In the case of the blind and the epileptic, the school must be a boarding school. Other handicapped children may be educated in ordinary schools if suitable educational treatment can be provided for them in such schools; otherwise they must also be educated in special schools.

Special school provision for certain categories of handicapped children, particularly for the deaf and the educationally sub-normal, has proved to be inadequate. Local education authorities have, however, been buying large mansions and adapting them in order to open special schools which will be enlarged when the national building position improves. The authorities' development plans are being extended to meet the needs of handicapped children all over the whole country, both on a local and a regional basis, and these development plans will be carried out as opportunity arises until a complete system of special schools has been provided.

In certain institutions the Ministry of Education has approved courses of vocational training for disabled young people (i.e. blind and crippled) between the ages of 16 and 21.

Occupation Centres are provided by local health authorities and some voluntary bodies, for children who are excluded from school because of mental deficiency. Here they receive simple training which assists psychological adjustment. Some authorities prefer to rely on a system of home teaching for mentally defective children.

(vi) *The B.B.C. Educational Services*

The School Broadcasting Council for the United Kingdom is set up by the B.B.C. and consists of fifty members. Some Members are appointed by the Ministry of Education, some by associations of local education authorities and other major professional and

educational associations in England and Northern Ireland, some by the School Broadcasting Councils for Scotland and Wales, and some by the B.B.C. after consultation with the Council.

The Council's principal duties are to guide the B.B.C. in arranging series of broadcast programmes for schools in the United Kingdom and to stand sponsor for this service in the educational world.

The Council's work on the educational broadcasts is assisted by five Programme Sub-Committees, each responsible for a particular age-range. These Sub-Committees make recommendations after considering reports based on evidence collected by the Council's Education Officers during visits to schools and at conferences with teachers. Literature suitable for use in conjunction with educational broadcasts is provided for the schools.

In addition, the Council assists generally in the development of School Broadcasting, holds Summer Schools, arranges demonstrations for teachers and students, and issues a list of broadcast receiving apparatus suitable for use in schools.

In conjunction with the Educational branches of the Armed Forces the B.B.C. also provides programmes of Forces Educational Broadcasts for servicemen at home and overseas.

(vii) *Visual Aids*

Teachers have always found it necessary to illustrate their lessons. To-day films, filmstrips and slides as well as other kinds of visual material are increasingly used in schools.

Two organisations have been set up through the Ministry of Education to encourage the development of visual aids in education. The National Committee for Visual Aids in Education represents teachers' organisations and local education authorities, and through its panels draws up programmes of films and other visual material for children of different ages, appoints teachers to act as educational advisers to companies producing educational films, and gives advice to teachers on visual material and apparatus. The Educational Foundation for Visual Aids was set up to promote the production of educational films and other visual material, and to organise the distribution of these and of visual aids equipment to schools. The Foundation will also encourage the setting up of local film libraries, and draw up a national catalogue of visual material available through the Foundation and also through commercial sources.

Films from the National Committee programme have been put into production either independently by commercial firms, or under sponsorship through the Ministry of Education and the Central Office of Information; a number have already been completed and will be distributed through the Foundation.

Among the films made for the Ministry of Education through the Central Office of Information are two films on child psychology for teachers and parents, a film to help in the teaching of backward children, and a series of experimental visual units, consisting of films, filmstrips, wallcharts and teachers' notes, for use in schools and teachers' training colleges.

The Central Film Library contains a variety of educational and documentary films suitable for schools, youth organisations and adult education, which are available on loan free of charge. They include films produced through the Central Office of Information for other government departments, films from Commonwealth and other countries, and also films belonging to the old Empire and G.P.O. Film Libraries. There are also three Branch Libraries, the Scottish Film Library, the Film Library of the South West, and the Central Film Library of Wales.

Film shows for schools, factories and audiences such as youth clubs and adult education groups are given by the Central Office of Information Mobile Film Units which operate from eight Regional Offices.

The British Film Institute encourages the development and appreciation of the art of the film and gives information on films of all kinds. It maintains the National Film Library, which was established to preserve films of historical or artistic importance. Some of the films housed in the National Film Library are available through the Loan Section and are used in particular by film appreciation groups and film societies.

ADDRESSES OF MINISTRIES AND ORGANISATIONS REFERRED TO IN CHAPTER 5

Ministry of Education,

Curzon Street House, Curzon Street, W.1.

Tel.: MAYfair 9400.

University Grants Committee,

38 Belgrave Square, S.W.1.

Tel.: SLOane 0878.

Institute of Mechanical Engineers,

Storey's Gate, S.W.1.

Tel.: WHItchall 7476.

Institute of Chartered Accountants,

Moorgate Place, E.C.2.

Tel.: MONarch 8506.

Workers' Educational Association,

38a St. George's Drive, S.W.1.

Tel.: VICtoria 5715.

National Institute of Adult Education,

79 Wimpole Street, W.1.

Tel.: WELbeck 3177.

Standing Conference of National Voluntary Youth Organisations,
26 Bedford Square, W.C.1.
Tel.: MUSEum 8944.

The Central Council of Physical Recreation,
6 Bedford Square, W.C.1.
Tel.: MUSEum 0726.

School Broadcasting Council,
Broadcasting House, Portland Place, W.1.
Tel.: WELbeck 4468.

National Committee for Visual Aids in Education,
79 Wimpole Street, W.1.
Tel.: WELbeck 2672.

Educational Foundation for Visual Aids,
33 Queen Anne Street, W.1.
Tel.: Mus. 5742.

Central Office of Information,
Norgeby House, Baker Street, W.1.
Tel.: WELbeck 4420.

Central Film Library,
Imperial Institute, South Kensington, S.W.7.
Tel.: KENSington 3264.

Scottish Film Library,
2 Newton Place, Glasgow, C.3.
(For hire in Scotland only.)

Film Library of the South West,
Senior School, Dartington Hall, Totnes, Devon.

Central Film Library of Wales,
2 Cathedral Road, Cardiff.

6

AMENITY SERVICES

i. *Parks and Open Spaces*: ii. *National Cultural Establishments*: iii. *Local Government Cultural Services*: iv. *Civic Restaurants*: v. *The British Broadcasting Corporation*: vi. *The British Council*: vii. *The Arts Council of Great Britain*.

(i) *Parks and Open Spaces*

NATIONAL PARKS: The National Parks and Access to the Country-side Bill, which is before Parliament at the time of writing, is a non-controversial measure supported by all parties. It is intended: "to make provision for National Parks and the establishment of a National Parks Commission: to confer on the Nature Conservancy and local authorities powers for the establishment and maintenance of nature reserves; to make further provision for the recording, creation, maintenance and improvement of public paths and securing access to open country, and to amend the law relating to rights of way; to confer further powers for preserving and enhancing natural beauty. . . ." The twelve areas which have been recommended as the first National Parks are: the Lake District, North Wales, the Peak District, Dartmoor, the Yorkshire Dales, Pembrokeshire Coast, Exmoor, the South Downs, the Roman Wall, the North Yorkshire Moors, Brecon Beacons and the Black Mountains, and the Broads. The administration of these Parks will be the responsibility of the local planning authorities¹ working with the advice of the National Parks Commission. Nidderdale Moors, Delamere Forest, the Forest of Dean and the Wye Valley, Bodmin Moor, Isles of Scilly, Dorset downs, heath and coast, the New Forest, Hindhead, Charnwood Forest, and Cannock Chase are among the districts intended to be scheduled as "conservation areas", with special protection for wild life, trees and flowers.

ROYAL PARKS: Royal parks, forests and palaces are supervised by the Ministry of Works on behalf of the Crown. These former royal preserves cover a considerable area and in many places such as Kensington Gardens the public enjoy an unrestricted right of way. In the New Forest and some rural districts, commoners' rights of grazing and timber still exist.

The Inspection of Ancient Monuments is now a function of the Ministry of Town and Country Planning. The scheduling of

¹See Chapter 8: Town and Country Planning.

buildings and sites under the Ancient Monuments Act gives a temporary protection and often affords time for public opinion to press for their permanent protection.

The National Trust, a voluntary organisation, maintains and preserves from building and other encroachments a number of beauty spots, historic monuments and open spaces.

LOCAL AUTHORITY OPEN SPACES: The Public Health Acts, 1890 and 1907, and the Open Spaces Act, 1906, empower local authorities to purchase or lease lands for use as parks, public walks and pleasure grounds and to make bye-laws for their regulation. Portions of these lands may be, and generally are, assigned to games, and band-stands and music may be provided. Disused burial grounds may be converted into public parks and local authorities may in some cases buy land outside their own area for open spaces and may co-operate with other local authorities for the purpose. The "Green Belt", established on the outskirts of London, is an example of this kind of co-operation.

Most large urban authorities maintain swimming baths and tennis courts, and frequently boating lakes, paddling pools and bowling greens. The Physical Training and Recreation Act, 1937,¹ enables local authorities to provide and maintain facilities for sports and physical recreation, including gymnasia, playing fields and holiday camps.

A local authority service often associated with public parks is the provision of allotment gardens. These are available at small rents to those who have no garden or wish to supplement their own garden supply of fruit, vegetables and flowers. An allotment may not exceed an area of five acres. Small holdings (between one and fifty acres in extent or less than £50 a year ground rent) may be leased by county councils to suitable applicants.

(ii) *National Cultural Establishments*

The national cultural establishments are chiefly centred in London. Some are the direct responsibility of Government Departments, some are administered by Trustees with the assistance of Government grants and many are organised on a purely voluntary basis.

A National Theatre has long been projected and early in 1948 the Chancellor of the Exchequer announced that he proposed to make a grant of £1,000,000 towards the cost of the building for which a site has been chosen on the south bank of the Thames. The Government has also acquired through the Arts Council a controlling interest in the Royal Opera House, Covent Garden, in order to maintain it as a national centre for opera, ballet and music.

¹See also Chapter 5: Education.

It is impossible to provide a full list of national museums, galleries and libraries in the space available, but among the most important are:

In London:

The National Gallery.

Controlled by Trustees.

The National Portrait Gallery.

Controlled by Trustees but financed by a Parliamentary Vote.

The Tate Gallery.

Controlled by the State.

(National collection of British paintings and modern foreign painting and sculpture.)

The British Museum.

Controlled by Trustees, three of the Trustees being the Archbishop of Canterbury, the Lord Chancellor and the Speaker of the House of Commons.

(Universal in scope with a large and famous library.)

Imperial War Museum.

Administered for the State by a Board of Trustees.

Public Records Office Museum.

Part of the Public Records Office.

(Archives and manuscripts.)

Science Museum.

Administered by the Ministry of Education.

Victoria and Albert Museum.

Administered by the Ministry of Education.

(Art Collections and large Art Library.)

National Central Library.

Governed by a Board of Trustees and assisted by grants from the Government and the Carnegie (United Kingdom) Trust.

(For the supply of books other than fiction or text, books which a Public Library is unable to supply. Loan to individuals is only made through local libraries.)

In Edinburgh:

The Royal Scottish Museum.

The Scottish National Galleries.

In Cardiff:

The National Museum of Wales.

(iii) Local Government Cultural Services

These non-remunerative services (chiefly in the field of education and entertainment) are adopted by local authorities under various permissive Acts.

Nearly all areas have the benefit of a free library service, either through municipal libraries in the larger towns or through county council provision under the Public Libraries Act, 1919, for villages and small towns. There is now no legal limit to expenditure by local authorities for these services and considerable assistance for public libraries has come from grants by the Carnegie (United Kingdom) Trust. Children's and reference sections and reading rooms equipped with current periodicals and journals are generally provided in the larger public libraries. Some authorities now maintain a lending library of recorded music.

Museums are maintained by the local authorities in many of the larger towns for the reception of local antiquities and the display of local flora and fauna.

A few cities such as Glasgow, Birmingham, Leeds and Liverpool have separate permanent Art Galleries, others arrange displays of art and photography in Public Libraries. Special art exhibitions are often arranged jointly by local authorities and the Arts Council of Great Britain.

A number of municipal orchestras have been established by some of the larger authorities, and some authorities assist local orchestras financially.

By Section 132 of the Local Government Act, 1948, local authorities are permitted to provide a variety of entertainments including stage shows, music, dancing and concerts, and to give financial assistance to voluntary bodies providing such entertainments. The expenditure of any authority on these entertainments must not exceed the product of a rate of sixpence in the pound.

The maintenance, protection and repair of war memorials can be undertaken by local authorities under the War Memorials (Local Authorities' Powers) Act, 1923.

(iv) *Civic Restaurants*

Civic Restaurants were first established as "British Restaurants" during the 1939-1945 war, to meet emergency needs and to supplement private catering. Many of the present Civic Restaurants were formerly British Restaurants.

The Civic Restaurants Act (1947) empowers local authorities to establish and maintain restaurants for the supply to the public of meals and refreshments. It is intended that a Civic Restaurant should pay its own way and if a deficit occurs in respect of a period of three consecutive financial years (not including the first and second financial years after the Restaurant commences), the powers of the authority under the Act may be terminated at the expiration of six months from the end of the three year period. The Act permits the sale of intoxicants at Civic Restaurants in England and Wales. Other services provided at some Restaurants include meals to carry

away and a delivery service of hot meals to small factories, old age pensioners and others.

(v) *The British Broadcasting Corporation*

The B.B.C. is a public corporation created by Royal Charter and is answerable to Parliament through the Postmaster-General. By an agreement between the Post Office and the B.B.C. the latter maintains a monopoly of public broadcasting. A Board of Governors appointed by the Postmaster-General has complete independence in the formulation of policy, which is executed and administered by the Director-General and his staff. The B.B.C. is a non profit making organisation—its income derives from part of the revenue from wireless licences and from the sale of its printed publications.

Home broadcasts are made in three separate programmes: the Home, the Light and the Third.¹ The Home and Light Programmes provide regular news, weather and information services. Weather forecasts from the Meteorological Office are given in the Home Service three times daily, and warnings of gales, snow and frost are transmitted in the Light Programme as soon as possible after issue. Public Information broadcasts include national police messages, Government announcements and items of immediate general importance. In an emergency the right rests with the Postmaster-General acting for the Government to take over direct control of all broadcasting stations.

The B.B.C. provides more international radio programmes than any other nation's radio organisation. There are regular services for British forces overseas as well as broadcasts for Commonwealth and foreign listeners.

(vi) *The British Council*

The British Council exists for the purpose of promoting a wider knowledge of the United Kingdom and the English language abroad and of developing closer cultural relations between the United Kingdom and other countries. The Council is governed by an Executive Committee of 30, of whom 9 are representatives of Government Departments. Most of the Council's activities are financed from funds provided by Parliament, but private donations are sometimes made to the Council for specific purposes. The Council maintains centres in the United Kingdom, mainly in University cities and ports, to provide services for students and professional visitors, seamen and others, from overseas. It organises

¹See also Chapter 5: Education.

short courses in this country, in co-operation with educational and other bodies, for teachers, members of the professions and public services and technicians from overseas and arranges for individual visitors to study subjects in which they are professionally interested. In many countries British Institutes are maintained, and through these and in other ways the Council projects a knowledge of British life and thought, particularly in the fields of literature, music, drama, fine arts and architecture, science, medicine, engineering and agriculture. This is done through the medium of books and periodicals, films, exhibitions, lectures, concerts and theatrical performances.

(vii) *The Arts Council of Great Britain*

The Arts Council of Great Britain exists to develop a greater knowledge, understanding and practice of the fine arts and in particular to make them more accessible to the public throughout Great Britain. The Arts Council receives its income directly from the Treasury and holds a Royal Charter. The Chancellor of the Exchequer, who is responsible for the appointment of the Chairman and Councillors, makes these appointments in consultation with the Minister of Education and the Secretary of State for Scotland. There are Regional Offices of the Council at Newcastle, Leeds, Nottingham, Cambridge, Bristol, Birmingham, Manchester, and Edinburgh. The Arts Council works in collaboration with the British Council and invites co-operation with local authorities and voluntary societies.

The activities of the Arts Council include the direct management of theatres (e.g. the Royal Opera House, Covent Garden and the Theatre Royal, Bristol), the direct management of stage tours, the administration of arts centres and the exhibiting of pictures, reproductions and sculpture. Financial assistance is provided for certain associated theatrical companies and orchestras. Sponsorship of plays, ballet, music and opera is undertaken in conjunction with independent producers.

ADDRESSES OF MINISTRIES AND ORGANISATIONS REFERRED TO IN CHAPTER 6.

Ministry of Town and Country Planning,
32 St. James's Square, S.W.1.
Tel.: WHItchall 8411.

Carnegie United Kingdom Trust,
106 Gloucester Place, W.1.
Tel.: WELbeck 3324.

Arts Council of Great Britain,
4 St. James's Square, S.W.1.
Tel.: WHItchall 9737.

British Broadcasting Corporation,
Broadcasting House, Portland Place, W.1.
Tel.: WELbeck 4468.

British Council,
3 Hanover Street, W.1.
Tel.: MAYfair 8484.

Treasury,
Whitehall, S.W.1.
Tel.: WHItchall 1234.

INDUSTRY AND EMPLOYMENT

i. *Employment Exchanges and the Appointments Service*: ii. *Employment of Disabled Persons*: iii. *Resettlement of Ex-Service Men and Women*: iv. *Safety, Health and Welfare*.

(i) Employment Exchanges and the Appointments Service

EMPLOYMENT EXCHANGES: The Ministry of Labour and National Service in England, Wales and Scotland is organised in eleven Regions with Regional Offices in London, Bristol, Cardiff, Birmingham, Manchester, Leeds, Edinburgh, Newcastle-on-Tyne, Nottingham, Reading and Cambridge.

Employment Exchanges have been established by the Ministry in all parts of Great Britain, their main purpose being to bring employers needing workers and work-people needing employment into touch with each other.

When a worker registers at an Employment Exchange details are taken of his experience and qualifications, the occupation he usually follows, his previous employers and the length of time he was employed by each, and any other information which may assist the Exchange to find him suitable employment, e.g. particulars of any alternative occupation which he is capable of following. All this information is filed so as to be immediately available for reference.

Employers using the Exchange have the facilities of a highly organised service to assist them in finding suitable work-people. All the Exchanges throughout the country work in close association. When an enquiry is received from an employer the Exchange first endeavours to find qualified work-people from the applicants on its own register. If no suitable applicants are available the search is extended to the neighbouring Exchanges and if appropriate the vacancy may be circulated to all Exchanges.

An exchange which is able to deal with a circulated enquiry, at once sends particulars of suitable work-people to the Exchange to which the employer has made his original application.

In submitting applicants to employers, the principle followed is that of selecting those applicants whose records show them to be best qualified industrially for the job, and the service aims at placing workers in jobs which they can do to the full satisfaction of employers and with the greatest benefit to themselves. Particular attention is

paid to boys and girls leaving school, for whom skilled guidance and advice are available in the choice of a career.

Another important function of Employment Exchanges is that of compiling and maintaining local employment records. They are designed to assist in the preparation of a general assessment of the economic position and trends which must be taken into consideration in implementing the Government's policy of maintaining a high and stable level of employment.

The Ministry of Labour and National Service receives valuable assistance in the administration of the Employment Exchange Service from the Local Employment Committees attached to the Exchanges. These Committees, the members of which place their services voluntarily at the disposal of the Minister, are composed of representatives of employers and work-people and other interests. By reason of their local knowledge they are in a specially favourable position to keep the Exchanges and the Department in close contact with the changing conditions in industry and employment in their particular areas.

The Exchanges also deal with many other matters—e.g., the payment of unemployment benefit, receipt of applications for Passports and Travel Identity Cards.

YOUTH EMPLOYMENT COMMITTEES: Local committees for Youth Employment have been appointed to advise and assist in the operation of the Youth Employment Service which is designed to help young people (under 18) with regard to choice of employment. They are appointed by the local education authority in areas where these authorities are responsible for this work under a scheme approved by the Minister or by the Ministry of Labour in areas where the Ministry of Labour is directly responsible for the local operation of the Youth Employment Service.

Parents are invited to attend "school leaving interviews" held at schools, and may also accompany their children to meetings held at the Youth Employment Office to consult with the Youth Employment Officer and members of the Committee on any problems relating to the employment of their children.

These Committees often form After-Care Sub-Committees which interview boys and girls (especially those newly placed in employment) at "open evenings", and co-operate with local youth organisations. Voluntary visitors visit the children in their homes and follow up the work of the Youth Employment Committee during the earlier years of the children's working life.

In districts where appreciable numbers of young people are living away from their homes, special After-Care Committees are frequently formed to assist the boys and girls to settle down satisfactorily.

These Committees are anxious to co-operate with all other social workers. Youth Employment Officers are to be found either at the Employment Exchange or at the Youth Employment Bureau of the

Education Authority—on inquiry the Exchange will always furnish the address.

THE APPOINTMENTS DEPARTMENT: The Appointments Department of the Ministry of Labour and National Service serves the needs of employers who are seeking to fill vacancies of an administrative, managerial or technical character by submitting suitable candidates. Naturally it also helps those who are searching for such posts. The Department is concerned with vacancies above the foreman/clerk level.

The Appointments Department maintains two separate registers: (1) The Technical and Scientific Register, kept in London, deals on a national basis with fully qualified engineers, scientists, architects, surveyors, valuers, etc. (2) The Appointments Register which is kept at fourteen Appointments Offices in the larger cities, deals with persons having professional, administrative or executive experience or qualifications (and those having technical qualifications not appropriate to the Technical and Scientific Register). Prior to registration each applicant is given a careful personal interview and subsequently his name may be submitted, if he so wishes, for suitable vacancies overseas as well as for vacancies in this country. All Appointments Offices have a Careers Advice Service to provide information about careers of professional standard. Any person who has been a commissioned officer in the Armed Forces is eligible for registration at an Appointments Office.

NURSING APPOINTMENTS OFFICES: The Nursing and Midwifery professions, together with Radiography and Physiotherapy (Massage) are dealt with by thirty-one Nursing Appointments Offices which are not only concerned with recruitment for these professions but advise and assist those who are already qualified and who are seeking posts or further training.

(ii) *Employment of Disabled Persons*

DISABLED PERSONS REGISTER: A register of disabled persons is maintained at Local and Appointments Offices of the Ministry of Labour and National Service. Registration is entirely voluntary, but certain benefits of the Act—Quota, Designated Employment and Sheltered Employment in Re-employ Factories or other sheltered workshops—are limited to those who are registered. Special Disablement Resettlement Officers give advice and assistance to the disabled in finding employment or on eligibility for suitable courses of industrial rehabilitation or vocational training.

ENGAGEMENT AND EMPLOYMENT: The Disabled Persons (Employment) Act, 1944, places an obligation on every employer of twenty or more work-people to employ a quota of registered disabled persons. Any employer who is not employing his full quota of disabled persons may not engage any person, other than a registered

disabled person, except under a permit issued by the Ministry of Labour and National Service, until his quota is complete. An employer may not discharge a registered disabled person without reasonable cause if such discharge would leave him below his quota. The provisions of this Act operate concurrently with the voluntary King's Roll Scheme.

The King's Roll Scheme, brought into being after the 1914-1918 War, encourages the employment of ex-Service men who are in receipt of disability pensions. Employers who undertake to employ an agreed proportion of disabled ex-Service men are enrolled on the King's National Roll. The proportion is usually 5 per cent of the total staff employed, provided sufficient eligible ex-Service men are available.

DESIGNATED EMPLOYMENT: Certain classes of employment which are particularly suitable for disabled persons may be designated by Order made by the Minister of Labour and National Service. The general effect of designation is to reserve future vacancies in the designated employments for registered disabled persons. The jobs so designated to date are those of car park attendant and passenger electric lift attendant.

EMPLOYMENT UNDER SPECIAL CONDITIONS: Sheltered employment is being provided under Section 15 of the Act for persons who are so severely disabled that they cannot work in ordinary industry. The Disabled Persons Employment Corporation Limited has been established by the Minister for this purpose, and workshops known as "Remploy" factories¹ have been opened in different parts of the country; others will follow as soon as practicable.

Severely disabled persons are also employed under special conditions by voluntary bodies, some of whom are eligible for financial assistance from the Ministry of Labour and National Service.

DISABLED PERSONS EMPLOYMENT CORPORATION LTD.: The Disabled Persons Employment Corporation Limited is a public company formed for the purpose of providing employment for disabled persons who cannot compete in ordinary industrial conditions. It is required to apply its profits in promoting the objects for which it was formed. A programme of 120 "Remploy" factories has been approved and 38 are already functioning.

GRANTS TO VOLUNTARY UNDERTAKINGS: The Ministry of Labour administers a special scheme of grants to those voluntary undertakings which require assistance in meeting deficiencies in trade arising from the employment of severely disabled men and women. Grants are also made towards the cost of training severely disabled ex-Service men and women for whom the undertaking expect to provide employment.

ADVISORY COUNCIL AND COMMITTEES: The Minister of Labour has

¹"Remploy" factories are workshops for the sheltered industrial employment of the severely disabled. They are so called because they "re-employ" those who would be unable to work under normal industrial conditions.

appointed a National Advisory Council on the Employment of the Disabled. 280 local Disablement Advisory Committees have also been set up throughout the country to advise on local employment problems concerning the disabled and make reports and recommendations to the Minister on matters referred to them.

TRAINING AND REHABILITATION: Vocational training for the disabled may be provided at:

- (1) Government Training Centres (under special conditions);
- (2) Residential Centres for those requiring training under residential conditions;
- (3) Technical Colleges and other similar establishments;
- (4) Employers' Establishments under approved arrangements.

Training arrangements follow broadly the same lines as for the able-bodied but greater elasticity is encouraged in dealing with the problems arising from individual disabilities.

Residential Training is provided at Queen Elizabeth's College, Leatherhead; St. Loyes College, Exeter; Finchale Abbey, Durham; and the National Institute for the Blind School, Oldbury Grange, Bridgnorth.

An Industrial Rehabilitation Service provides short courses to assist men and women who have become out of touch with working conditions through sickness, accident or long unemployment, to adjust themselves to modern industrial conditions. There is a residential Industrial Rehabilitation Centre, for men only, at Egham in Surrey, and non-residential Centres at Birmingham, Cardiff, Coventry, Denton (Manchester), Felling-on-Tyne, Granton (Edinburgh), Hillington (Glasgow), Hull, Leeds, Leicester and Sheffield. Centres will also be opened in the near future at Aintree and Swansea. A number of residential places will be provided at the Leicester Centre.

TRAINING AND EMPLOYMENT OF THE BLIND: The Ministry of Labour and National Service assists the provision of training for blind persons over 21. All trainees approved by the Ministry receive a maintenance allowance during their training equal to that paid to other disabled persons undergoing training courses.

Local Disablement Resettlement Officers of the Ministry act in consultation with the Blind Welfare Officers of local authorities and with representatives of voluntary organisations when deciding the type and place of training.

The Ministry of Labour undertakes the inspection of recognised training institutions and pays the fees of approved trainees at such institutions. The Ministry may require alterations or improvements to be made in training facilities provided and will consider applications for financial assistance towards capital expenditure for meeting these requirements.

The Ministry of Labour makes grants to local authorities in respect of all approved blind workers employed in approved workshops for the blind.

(iii) *Resettlement of Ex-Service Men and Women*

REINSTATEMENT RIGHTS: The Reinstatement in Civil Employment Act, 1944 (as modified by the National Service Act, 1947) lays certain obligations on "former employers", as defined by the Act, to take back into their employment former employees who are persons to whom the Act applies and who at the end of their whole-time service in the Forces make proper application for reinstatement and notify a date when they will be available for employment. Any obligation resting on a "former employer", who is the employer who last employed the applicant within the period of 4 weeks immediately preceding the beginning of his whole-time service in the Forces, is subject to the condition that reinstatement is reasonable and practicable. The persons to whom the Reinstatement in Civil Employment Act (as modified) applies are those persons who, between May 25th, 1937 and July 18th, 1947, either voluntarily or compulsorily entered upon a period of whole-time service in the armed forces of the Crown (or equivalent Women's Services) and those who, on and after July 18th, 1947, have been compulsorily called up for whole-time service in the Forces. A person who is reinstated under the Act must be employed for the following 26 weeks or so much of that period as is reasonable and practicable. This period of 26 weeks is extended to 52 weeks in cases where the previous employment was a continuous period of not less than 52 weeks.

On and after January 1st, 1949, persons called up for compulsory whole-time service in the Forces will be called up under Part I of the National Service Act, 1948, and such persons will derive any reinstatement rights they may have from Part II of the Act—not from the Reinstatement in Civil Employment Act 1944. Persons to whom the Reinstatement Act applied prior to January 1st, 1949 will, however, continue to derive any reinstatement rights they may have from the Reinstatement Act of 1944.

CONTROL OF ENGAGEMENT ORDER: Under the Control of Engagement Order 1947, employers are restricted from engaging or even seeking to engage, men aged 18 to 50 inclusive and women aged 18 to 40 inclusive, otherwise than through a Local Office of the Ministry of Labour or an approved employment agency. Persons to whom the Order applies are free to seek employment, but they may not accept an engagement without the permission of a Local Office of the Ministry of Labour or an approved employment agency. Certain kinds of engagements and classes of persons are, however, exempted from the restrictions, e.g. engagements in a managerial, professional, administrative or executive capacity, women with children of their own under 15 years of age living with them, persons on paid release leave from H.M. Forces.

Workers will wherever possible be given a choice of suitable available jobs on essential work, and the issue of a direction under

D.R.58A(1) would only be considered if a worker having been given as wide a choice as possible still insists upon taking unessential work or refuses to take any work at all.

(iv) *Safety, Health and Welfare*

ADMINISTRATION: In June 1940, the administration of the Factories Act was transferred from the Home Secretary to the Minister of Labour. At the same time a Factory and Welfare Advisory Board was appointed to advise on welfare and assist in developing and stimulating safety, health and welfare arrangements. Its scope was extended in 1944 to include the welfare of domestic workers in institutions. In March 1943 an Industrial Health Advisory Committee was instituted and panels of this Committee have considered Dermatitis, and Radiological, Ophthalmological and other special problems.

WORKING CONDITIONS IN FACTORIES: The Factories Acts, 1937 and 1948, and related Acts, make provision for securing the Safety, Health and Welfare of workers in factories and, so far as women and young persons are concerned, for the regulation of working hours and holidays. The enforcement of these Acts is carried out by H.M. Inspector of Factories, but in most factories where mechanical power is not used the duties in regard to the provisions of the Act specified in Item (1) below and to the provision of sanitary accommodation are carried out by the local authorities. Their officers have like powers of entry and inspection, for these purposes, as H.M. Inspectors.

The principal provisions of the Factories Acts are in relation to:

- (1) Cleanliness, overcrowding, temperature, ventilation and drainage of floors in factory buildings.
- (2) Lighting.
- (3) Sanitary conveniences.
- (4) Safeguarding of machinery.
- (5) Safety of hoists, lifts, cranes and other lifting machinery and lifting tackle.
- (6) Safety of steam boilers and other pressure vessels.
- (7) Safety provisions in case of fire.
- (8) Removal of dust and fumes.
- (9) Special precautions and regulations in connection with dangerous or unhealthy processes or work.
- (10) Notification of Accidents and Industrial Diseases.
- (11) Hours of work and holidays for women and young persons.
- (12) Medical examination and supervision of young persons.

FURTHER EDUCATION AND TRAINING AND BUSINESS ADMINISTRATION: The Appointments Offices of the Ministry of Labour deal with applications for awards under the Further Education and Training

Scheme, which was designed to enable men and women to complete courses of academic or professional training which were interrupted or prevented by war service. Awards made under this Scheme may include a maintenance allowance for the period of study in addition to the payment of tuition fees. Grants for full-time courses at universities, technical colleges and similar institutions are administered by the Departments of Education or Agriculture; these will not be available to men called up for national service after September 30th, 1947. All other awards are administered by the Ministry of Labour and National Service: such awards will be made on a restricted basis for men called up after September 30th, 1947, but will not be available to men called up after December 31st, 1948.

The Appointments Offices also consider applications for grants for eligible or suitable applicants for a 3 months or three-term course of training in the general principles of business administration. These grants are made to assist those whose business careers have been prevented or interrupted by the war. The courses have been set up in a number of towns by the local education authorities but are not confined to grant-aided students.

ADDRESSES OF MINISTRIES AND ORGANISATIONS REFERRED TO IN CHAPTER 7

Appointments Department of Ministry of Labour and National Service,
Tavistock House, Tavistock Square, W.C.1.

Tel.: EUSton 4383.

Disabled Persons Employment Corporation, Ltd.,
25 Buckingham Gate, S.W.1.

Tel.: VICtoria 7531.

Central Land Board,
Devonshire House, Piccadilly, W.1.

Tel.: MAYfair 8866.

Ministry of Transport,
Berkeley Square House, Berkeley Square, W.1.

Tel.: ABBey 7711.

8

TOWN AND COUNTRY PLANNING

i. *Administration*: ii. *Development*: iii. *Acquisition of Land*: iv. *New Towns*: v. *Highways*.

(i) *Administration*

The central planning authority is the Ministry of Town and Country Planning. The aims of its policy were listed in the White Paper on the Control of Land Use. H.M.S.O. Cmd. 6537, 1944 as: "harmonising the claims on land for housing, industry, agriculture, national parks, roads and airfields; redeveloping bombed and obsolete areas; conserving good agricultural land; preventing sporadic and unsightly building and ribbon development; minimising the risk of road accidents, avoiding the loss of time and traffic congestion due to large numbers of people travelling long distances to work; eliminating the excessive cost of services caused by bad layout, and relieving overcrowding".

Local planning authorities are councils of either counties or county boroughs; where it appears expedient, the Minister may by order constitute the areas of any two or more of such councils as a united district with a Joint Planning Board as the local planning authority.

The Town and Country Planning Act, 1947, authorised the establishment of the Central Land Board with a chairman and members (not to exceed nine) to be appointed by the Minister.

(ii) *Development*

Under the Town and Country Planning Act, 1947, every local planning authority has to carry out a survey of its area. It must then submit to the Minister of Town and Country Planning a report, together with a development plan, indicating the manner in which it proposes that the land should be used. The plan will designate any land subject to compulsory acquisition by any Minister, local authority or statutory undertaker. The Minister of Town and Country Planning has power to amend any local development plan, or to institute a local inquiry concerning its proposals. Plans must in the first instance be produced by July 1st, 1951 and thenceforth every plan is subject to review at five-yearly intervals.

Permission is required in respect of any development (development being interpreted as "the carrying out of building, engineering, mining or other operations in, on, over or under land, and the making of any material change in the use of any buildings or other land".) Applications are made in the first place to the local planning authority. Appeals against its decisions are considered by the Minister, who may also direct that an application for permission to develop shall be referred to him instead of being dealt with by the local planning authority.

Where permission to develop land is refused or granted subject to conditions, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state of development, he may serve on the council of the county borough or county district in which the land is situated, a notice requiring the council to purchase his interest in the land. Alternatively, if an application for permission to develop is refused by the Minister or granted subject to conditions, a claim may be made to the local planning authority for compensation for depreciation in the value of the land due to the refusal or conditions.

Where unauthorised development has been carried out without permission, the local planning authority is entitled to serve notice requiring the land to be restored to its original condition. Appeal may be made in courts of summary jurisdiction.

The Town and Country Planning Act, 1947, provides for the preservation of trees and woodlands and the protection of buildings of architectural or historic interest in future development. A schedule of buildings of architectural and historic interest is maintained by the Ministry. The Act of 1947 also authorises the control of advertisement display in the interests of public amenity and safety.

The Town and Country Planning Act, 1947, also provides that development rights are to be the property of the State and are in effect saleable by the Central Land Board to developers. Where development is permitted and the value of the land is thereby increased, that increase is to be assessed and collected on behalf of the State by the Central Land Board in the form of a "development charge".

A sum of £300,000,000 has been allotted to be divided among owners whose property will be depreciated by the Act of 1947 through losing its potential development value. A Treasury scheme will prescribe the way in which the total sum is to be distributed by the Central Land Board. Claims will be settled not later than June 30th, 1953, payment being made in Government stock.

(iii) *Acquisition of Land*

Government departments, the Central Land Board, local authorities and other statutory bodies possess wide powers for the

acquisition of land for development and planning, by agreement or by compulsory purchase.

Any land designated by a development plan as subject to compulsory acquisition for the purpose of any Government department, local authority or other statutory body may be acquired by compulsory purchase if the Minister is satisfied that it is expedient to do so. Where a compulsory purchase order is made the Minister may authorise the purchasing authority to exercise rights of ownership before the expiration of the time which would be required for the service of notices to treat.

The council of any county, county borough or county district is entitled, with the consent of the Minister, to acquire by agreement any land which it would otherwise be entitled to acquire by compulsory purchase.

The Central Land Board can acquire any land by agreement. Expenses incurred by the Central Land Board are paid by Parliamentary vote, but the Board has no authority to develop land which it owns or manages on behalf of the Minister.

Where a building preservation order is in force in respect of a building of special architectural or historic interest and the Minister of Works considers it unlikely that reasonable measures for the protection of the building will be undertaken by the existing owners, the Minister of Town and Country Planning may compulsorily purchase the building and adjacent land or authorise the responsible local authority to do so.

In addition to these general rights of acquisition and purchase, local authorities have other powers to acquire land for specific purposes. Local education authorities are entitled to acquire land for educational purposes by agreement, or, with the consent of the Minister of Education, by compulsory purchase. Under various Housing Acts local authorities exercise powers to acquire land for slum clearance, re-development and housing¹.

(iv) *New Towns*

The New Towns Act, 1946, provides for the creation of new and independent towns. If, after consultation with the appropriate local authorities, the Minister of Town and Country Planning is satisfied that it is in the national interest that any area of land should be developed as a new town, he may make an order designating that area as the site of a proposed new town. A new town may be developed around the nucleus of an existing town or village as well as on undeveloped land.

For every new town inaugurated under the Act of 1946, there must be established a development corporation. Each development

¹These powers are described in Chapter 2: Housing.

corporation is appointed by the Minister and empowered to acquire, hold, manage, and dispose of land and other property; to carry out building, to provide water, electricity, gas, sewerage and other services and to carry on any business or undertaking for the purposes of the new town. Any land in the development area of a new town or adjacent land essential for the provision of its services, may be acquired by the development corporation by agreement or, with the consent of the Minister, by compulsory purchase.

The expenditure of development corporations is defrayed by grants from the Treasury; a limit of £50,000,000 for grants to defray capital account expenditure by all development corporations is fixed by the Act of 1946. Advances to cover other expenditure are made at the discretion of the Treasury. The Treasury only, may issue special securities for the financing of development corporations. The corporations, themselves, are authorised to contribute towards the expenditure of any local authority or statutory undertaking, incurred in the development of the new towns. If approved by the Minister, a development corporation can by agreement transfer all or part of its powers to a local authority. An annual report on the operations of each development corporation must be presented to Parliament by the Minister for approval.

(v) *Highways*

The principal authority for the administration of public highways is the Ministry of Transport, which co-ordinates its policy with the general planning policy of the Ministry of Town and Country Planning.

Under the Trunk Roads Act, 1936, the Minister of Transport is responsible for the maintenance of trunk roads. The same Act provides for the classification of roads as:

Class I—The main trunk roads which carry heavy and important traffic.

Class II—The more important thoroughfares.

Unclassified—Other roads and streets of minor importance.

The Special Roads Act, 1949, authorises the Ministry of Transport to construct and maintain new motorways to meet the changing needs of long-distance traffic.

County borough councils control all highways in the county boroughs and county councils are the authorities for classified roads in urban areas and all roads in rural districts. The county council is, however, entitled to delegate its powers to non-county boroughs, urban and rural district councils. Urban authorities control all unclassified roads and streets.

Highways may be created: (i) by statute; (ii) by public construction; (iii) by adoption; (iv) by continuous use as a public right of

way for twenty years or more; (v) by dedication to the public by the owner of land.

The making and maintenance of public bridges is generally undertaken by the appropriate county council. Some bridges are maintained by the councils of boroughs and where there has been a long continuous public right of way over a private bridge the owner is responsible for its maintenance.

There is a continuous campaign to increase road safety and reduce the high rate of accidents. This is conducted nationally by the Ministry of Transport and locally by the local authorities, in conjunction with the important work of voluntary organisations such as the Royal Society for the Prevention of Accidents.

Local highway authorities are required to provide adequate footpaths for public safety and convenience: they also hold powers under the Street Playgrounds Act, 1938, to prohibit or restrict the use of any road by vehicles during certain hours in order to make such roads safer as childrens' playgrounds.

Urban authorities make increasing use of pedestrian subways, traffic lights, beacon-designated pedestrian crossings and other safety devices.

The spoliation of the countryside between the wars by unplanned building along the margins of important traffic routes resulted in the Restriction of Ribbon Development Act, 1935. This Act confers three main powers on local highway authorities: (i) to adopt standard widths for roads; (ii) to restrict building development along certain road frontages; and (iii) to acquire land bordering on certain roads. The authorities are required to exhibit plans showing all roads subject to restrictions under the Act and compensation is payable to owners who suffer a depreciation of land values.

ADDRESSES OF MINISTRIES AND ORGANISATIONS REFERRED TO IN CHAPTER 8

Ministry of Town and Country Planning,
32 St. James's Square, S.W.1.
Tel.: WHItchall 8411.

The Central Land Board and War Damage Commission,
Head Office: Devonshire House, Piccadilly, W.1.
Tel.: MAYfair 8866.

The Royal Society for the Prevention of Accidents,
The Director General, 52 Grosvenor Gardens, S.W.1.
Tel.: SLOane 2246.

The Ministry of Transport,
1 Berkeley Square House, Berkeley Square, W.1.
Tel.: ABBey 2262.

ADMINISTRATION OF JUSTICE

i. *Young Persons*: ii. *Probation*: iii. *Magistrates' Courts*: iv. *Civil Courts*: v. *Divorce and Separation*: vi. *Scotland*: vii. *Legal Aids and Advice*: viii. *The Police Force and Prison Service*: ix. *Aid on Discharge and After-Care*.

The administration of justice is divided according to (a) criminal, (b) civil cases. In England and Wales civil cases, with some minor exceptions, are dealt with by the High Court of Justice, the Assize Courts and the County Courts. Criminal cases are dealt with in the first instance by the Petty Sessional or Police Courts, which refer more serious cases to Quarter Sessions and Assizes, or in London, to the Central Criminal Court.

(i) *Young Persons*

JUVENILE COURTS: Charges against children or young persons, proceedings with respect to the care and protection of children taken under Section 62 of the Children and Young Persons Act, 1933, proceedings under Sections 64, 66 and 84 of the Children and Young Persons Act, and complaints under the Education Act, 1944, may be heard only by a Court of Summary Jurisdiction sitting as a Juvenile Court (unless the child or young person concerned is charged jointly with an adult person). A Juvenile Court is required to sit either in a different building or room from that in which sittings of the other Courts are held or on different days from those on which sittings of such other Courts are held. The Justices who sit in the Juvenile Court must be members of a panel appointed by the whole body of Justices for the Division from amongst their number and are selected with a view to their special aptitude or qualifications for dealing with juvenile cases.

In the Metropolitan Police Court Area certain Juvenile Courts are held elsewhere than in the buildings used as Metropolitan Police Courts and, according as the Secretary of State may direct, the Court is constituted of:

- (a) A Metropolitan Police magistrate nominated by the Secretary of State to act as chairman, and two Justices of the Peace for the County of London, selected from a panel of such Justices nominated by the Secretary of State; or

- (b) Three Justices of the Peace, one of whom shall be a person nominated by the Secretary of State to act as a Chairman of Juvenile Courts.

Membership of the Court must never be confined to one sex.

The Criminal Justice Act, 1948, empowers the Secretary of State to provide:

- (a) Remand Centres for the detention of persons over fourteen and under twenty-one years of age, whilst under remand or committed in custody for trial or sentence.
- (b) Detention Centres for the detention for short periods of persons over fourteen and under twenty-one years of age, under discipline suitable to their age and description.
- (c) Borstal Institutions for the detention of offenders over sixteen and under twenty years of age, where they may receive training and instruction conducive to their reformation and the prevention of future crime.
- (d) Attendance Centres at which offenders over twelve and under twenty-one years of age may be required to attend for suitable instruction under supervision. The hours of attendance at Attendance Centres will be fixed so as to make the minimum interference with normal school or working hours.

All remand homes provided by County and County Borough Councils must receive a certificate of approval from the Secretary of State. The appointment of officers to take charge of remand homes is also subject to his approval. The local authorities may provide facilities for the (mental and physical) medical examination of detainees at remand centres.

(ii) *Probation*

Under the Criminal Justice Act, 1948, where any prisoner is convicted of an offence for which no particular sentence is specified by law, the court may make a probation order placing him under the supervision of a probation officer for a period of between one and three years.

The court may stipulate additional requirements as part of the order if they consider them necessary to ensure the good conduct of the prisoner. Where the home surroundings or general environment are unsatisfactory the prisoner may be required to live in a probation hostel or home, or other institution specified in the order.

If a doctor advises the Court that the prisoner is in need of treatment for mental disorders but not certifiable as a person of unsound mind, or as a defective, the probation order may require the prisoner to undergo medical treatment for a period not exceeding a year. Such treatment may be as a resident or non-resident patient at a hospital or institution or under the direction of a doctor with appropriate qualifications.

Where a probation order has stipulated residence in a hostel or an institution (other than for treatment as a mental patient) for a period of more than six months, a report must be made on the case by the probation officer to the supervising court at the end of six months and if the court thinks fit it may cancel or reduce the residential requirements of the probation order.

Under the Criminal Justice Act, 1948, one or more petty sessional divisions may be nominated by the Secretary of State as a probation area. Each probation area has a probation committee of justices and each petty sessions division has a probation case committee. Where the petty sessions division is also the probation area, the probation committee is also the case committee.

The appointment of probation officers is the responsibility of the probation committee. Each petty sessions division must have at least one woman probation officer.

Residential probation hostels and homes specified in a probation order must be premises approved by the Secretary of State. Probation hostels are intended for probationers who are employed outside the premises, probation homes for those for whom outside employment is not considered suitable.

If information is laid before a justice of the peace that a probationer has failed to comply with the requirements of his probation order, the probationer may be summoned before a court of summary jurisdiction, which may, depending on the seriousness of the offence, impose a fine not exceeding £10, require the probationer to attend at an attendance centre (if under twenty-one years of age) or commit him to appear before the court of assize or quarter sessions. Under the Probation of Offenders Act, the Court may deal with an offender by dismissing the information or charge or discharging the offender conditionally on his entering into a recognisance to be of good behaviour.

(iii) *Magistrates' Courts*

The Magistrates' Courts deal mostly with criminal cases but also with actions for recovery of wages, detaining goods, ejectment, separation and bastardy orders, recovery of penalties incurred under the Public Health Acts, etc., arising in the area served by the Court.

Magistrates' Court cases are heard by a Stipendiary Magistrate or by unpaid Justices of the Peace. Information as to local proceedings may be obtained from the Clerk to the Justices.

SUMMONSES: Proceedings are commenced usually by summons obtained on application and payment of fees by the injured party. The fee for a summons is one shilling, to which in many districts is added a fee of one shilling for service. Applicants who are not in a position to pay the fee may, at the discretion of the Justices, be granted a free summons. Additional charges are made for service outside the police area in many districts.

WARRANTS: If a person who is summoned before the Court does not appear, the Court may in certain cases decide the case in his absence, or may adjourn the case or issue a *warrant* for his arrest by the police. The fee for a warrant is one shilling. The warrant is handed to the police, who may then arrest the offender if he can be found. In most cases the applicant for a warrant must be able to give the police information as to the offender's whereabouts.

FINES AND IMPRISONMENT: Punishment, where this is within the powers of the court, generally takes the form of fine (with or without payment of costs) or imprisonment.

An offender who is sentenced to imprisonment in default of payment of a fine may be released at once by payment of the total amount due, but if a prison sentence has commenced, the payment required is reduced proportionately each day as the sentence is served. If a person who is ordered to pay a fine has not the ready money, but can pay in a week or fortnight, he should explain the circumstances and ask the Magistrate to allow him time to pay. The time may be extended from time to time by the Court on his application or payment by instalments may be directed.

In serious cases the Magistrate, after a preliminary hearing, commits the accused for trial by jury at Quarter Sessions or the Assizes. A person charged with an offence (other than an assault) may claim to be tried at Quarter Sessions or Assizes by a jury instead of by the Magistrates if the offence is one for which the Magistrates could pass a sentence of more than three months' imprisonment without the option of a fine.

On the other hand in the case of a number of offences, including stealing and obtaining money, etc., by false pretences, the Magistrates may either commit the accused for trial at a higher court, or, if they think fit, may deal with the offence themselves, provided the accused consents.

(iv) *Civil Courts*

THE COUNTY COURT: The County Court may be used for the recovery of debts, or damages for breaches of contract, or damages for civil wrongs (e.g. injury caused by negligent driving of a car): provided (generally speaking) that the claim does not exceed £500.

COUNTY COURT SUMMONS: Actions are commenced by the aggrieved party entering a "plaint" at the County Court Office, for which the fees are from 1s. to 50s., according to the amount and nature of the claim. Where the claim is between £5 and £25 the fee is 1s. in the £ plus 3s.

The Court then issues and serves the County Court summons. This may be either an "ordinary" summons calling upon the Defendant to attend the Court at a specified date for the hearing of the action or, where the claim is for a debt, it may be a "default"

summons, calling on the Defendant to notify the Court within a specified time as to whether he has a defence to the claim. If the notice of defence is not given within the specified time, judgment may be entered against him forthwith. If he decides to defend the case he will be advised of the day fixed for the hearing; for a claim of more than £10 the notice of defence must take the form of an affidavit.

Whether the summons is "ordinary" or "default" the Defendant should attend the hearing, or judgment may be given against him in his absence.

A COUNTY COURT JUDGMENT: Where the Plaintiff obtains judgment, the cost of the summons and hearing will normally be added to the amount to be paid by the Defendant.

Judgment for a lump sum not exceeding £20, where the Defendant shows that he is unable to pay the full amount at one time, may be ordered to be paid by instalments. The amount of the instalments and the times of payment will be fixed by the Court in relation to the amount of the debt and the circumstances of the Defendant. For a sum exceeding £20 judgment must be for payment within 14 days (unless the Plaintiff consents to instalments), but the Court may for good cause suspend the operation of the judgment.

A JUDGMENT SUMMONS: If the Defendant does not obey the judgment, by paying the necessary sums *or as otherwise ordered*, the Plaintiff may either issue execution, i.e. apply to the Court to send bailiffs to seize the Defendant's goods, or may apply to the Court for a "judgment summons".

This summons calls upon the Defendant to attend the Court on a specified date and show why he has not obeyed the judgment. When the summons is heard the Defendant will have an opportunity to explain why he has not paid, and to give some evidence that he has not had the necessary means to pay, but he will not be allowed in any way to contest the original judgment. If the Plaintiff satisfies the Judge that the Defendant either has or has had the means to pay the judgment debt, a *Commitment Order* will be issued. This order will state that the Defendant must make certain payments, and if he does not make them he will be committed to prison by the officers of the Court. Any person therefore who is summoned to appear at the County Court should attend at every stage of the proceedings or serious results may follow.

GENERAL: A debtor who, owing to ill-health or loss of work, is unable to keep up any payments which the Court has ordered, should report the circumstances to the Court as soon as possible. This will save costs and much unnecessary worry and trouble.

As a general rule, there is little necessity for a person to be represented by a solicitor in the County Court, and appearance in person is all that is required. In case of doubt on this point the advice of a solicitor should be taken.

When any person receives a summons or other paper from the Court, he should read it carefully right through. If he does not understand what to do he should go to the County Court on any day between the hours mentioned on the summons, where the officials are always ready to explain and help Defendants, although they cannot advise a Defendant whether he should dispute the claim or not. If the Defendant does not dispute the claim he should go down at once to the Court or write to the Registrar admitting the claim and stating how he can pay the money and, if he can only pay by instalments, giving reasons.

When writing to the Court he must give the name of the Plaintiff and Defendant in full and also the letter and numbers printed on the right-hand corner of the summons.

When going to the Court he should remember to take all papers relating to the case.

ADMINISTRATION ORDER: Such an order is equivalent to Bankruptcy on a small scale.

When a debtor cannot pay the amount of a judgment, or when several creditors are pressing him, he has the opportunity of applying for an administration order. He may obtain a form of request from the County Court Offices and must fill in the required particulars of all his debts, his earnings and other means of support, his dependants, etc. When the request has been returned to the Court the Judge will fix a day for hearing. If everything is satisfactory an order may be made that the debtor shall pay a regular instalment into the Court, and when the whole debt is paid the money will be divided among the creditors, whose original rights of proceeding individually are merged in the order. Under such an order the Judge may give the Defendant a discharge on payment of less than 20s. in the pound.

Such procedure may be found useful in cases where a man is hopelessly in debt and is first paying off one creditor and then borrowing from other people.

OTHER JURISDICTION: The County Court also has certain "equity" jurisdiction in relation (amongst other matters) to the property of a deceased person, trusts, mortgages, partnerships and the property of infants, provided (generally speaking) that the property does not exceed £500 in amount or value. The County Court also has a jurisdiction under many Statutes too numerous to mention. Some County Courts have jurisdiction in Bankruptcy (without limit as to amount) and in the winding-up of Companies (up to £10,000 capital); and some County Courts have a (limited) Admiralty jurisdiction (e.g. a claim for damages by collision at sea not exceeding £300).

BAILIFFS: Bailiffs may be sent either by the County Court under a judgment or by a landlord in distraint for rent. The points that arise are usually so technical and involved that the applicant should be referred to a solicitor.

(v) Divorce and Separation

SEPARATION AND MAINTENANCE ORDERS: An order upon the application of a married woman is granted for aggravated assault, desertion, wilful neglect to provide reasonable maintenance, persistent cruelty to her or her infant children, habitual drunkenness or drug-taking, insistence upon sexual intercourse whilst knowingly suffering from venereal disease, and for having been compelled by her husband to submit herself to prostitution.

An order on the application of a husband is granted for habitual drunkenness or drug-taking, and persistent cruelty to his children.

At the hearing an order may be granted to the wife with a provision that the husband pay for the maintenance of the wife such a weekly sum not exceeding £2 per week as may be considered reasonable having regard to the means of both husband and wife. If there are children of the marriage under 16 years of age, the custody of the children may be given to the wife and a further weekly sum awarded not exceeding 10s. weekly for each child. It is not necessary that the order should include a non-cohabitation clause. The inclusion of such a clause may often be undesirable.

If the husband fails to comply with the order he can, after 14 days, be brought before the Court either on a summons or a warrant of arrest and he may be committed to prison if he continues to disobey the order. The law requires, however, that before he is committed the Justices shall make enquiry as to his means and if they are of opinion that his failure is not due to his wilful refusal or culpable neglect, they may not issue a warrant for his committal to prison.

It is the usual practice to order the maintenance to be paid through the Collecting Officer of the Court. A woman is usually well-advised to consent to this being done, because it prevents dispute as to the amount paid or in arrears, and also protects her against her husband where necessary.

In cases where payment is made direct to the wife and difficulty continually arises, she should apply for the order to be varied, so as to allow payment through the Collecting Officer of the Court.

The Court is unlikely to approve applications for orders for insufficient and trivial reasons and an order will only be granted when there is continued brutality, desertion or neglect.

The amount of the order may be subsequently varied or discharged upon the application of the husband or wife. The Court must discharge an order when it is satisfied on evidence that a wife has committed adultery; (but the Court has power to refuse to discharge the order if of opinion that the act of adultery was caused by financial difficulties brought about by the failure of the husband to make such payment, as in the opinion of the Court he was able to make under the order).

If a woman has grounds for applying for a maintenance order or an order has been made and she proves that her husband is residing in a British Dominion or Protectorate (with certain exceptions, e.g. Canada) the Court may make a provisional order for transmission overseas or an existing order may be so transmitted with a view to proceedings being taken against the husband in the part of His Majesty's Dominions in which he is residing.

AFFILIATION ORDERS: Proceedings may be taken before the birth of the child or within 12 months after the birth, or if the putative father is out of England at the time of birth within 12 months after his return, or at any time if the putative father has made any payment within 12 months from the birth of the child. Corroborative evidence of the mother's statements is always required, and as this involves highly technical points, skilled advice should be obtained. The amount of the order may be subsequently varied as in the case of separation orders.

The dispute may be settled by an agreement, without proceedings, but it is doubtful whether this is the best, or, in the end, the least expensive way, though if the father has paid under an agreement he can always be summoned and an affiliation order obtained in the Magistrates' Court. An order of the Justices is enforceable by arrest and imprisonment, but an agreement is only enforceable in the Civil Courts.

GUARDIANSHIP OF INFANTS: A Magistrates' Court may in certain cases upon the application of a mother, make an order giving her the custody of the infant children of a marriage and order the father to pay maintenance, in respect of any child. In considering any such application the Court shall regard the welfare of the child as the first and paramount consideration. The amount of the order may be subsequently varied as in the case of a separation order.

(vi) *Scotland*

The jurisdiction and procedure of the Scottish Courts are fundamentally different from those in England, and there are also differences in the terminology used and the law to be administered. The Court of Session is the Supreme Civil Court in Scotland and is composed of fifteen Judges who hold equal status as senators of the College of Justice which is the collective name given to those persons who take part in the administration of justice in the Court of Session. At present only fourteen judges have been appointed. The same individuals sitting in another capacity and in another Court constitute the High Court of Justiciary which is the highest criminal Court in Scotland.

The principal inferior Courts in Scotland are (a) the Sheriff Court, which is by far the most important of the inferior Courts and

which exercises a wide civil and criminal jurisdiction, (b) the Police or Burgh Court which has a limited criminal jurisdiction, and (c) the Justice of the Peace Court whose civil jurisdiction is confined to small debt actions for amounts not exceeding £5 and which has exclusive jurisdiction in the case of certain minor statutory offences. The Judges in the Police Burgh Court are usually lay magistrates but in certain circumstances a lawyer may be appointed on a full time basis. Such a judge is called a stipendiary magistrate. The only stipendiary magistrate so far appointed is in Glasgow. (d) The Dean of Guild Court which has jurisdiction with reference to the erection or alterations of buildings in Burghs. The Court of Session, The High Court of Justiciary and the Sheriff Court, being the principal Courts, are now dealt with in greater detail.

THE COURT OF SESSION: The fifteen judges who compose the Court of Session sit in two groups or chambers. One is known as the Inner House and consists of eight judges while the other is called the Outer House and consists of seven judges. The Outer House judges are given the title of Lord Ordinary. The Inner House sits in two divisions of four judges each. These divisions are called the First and Second Division respectively. The First Division is presided over by the Lord President who is President of the whole Court and who is also Lord Justice General in his criminal capacity. The Chairman or President of the Second Division is known as the Lord Justice Clerk. The Inner House acts as a Court of Appeal against the decisions of the Lord Ordinary and of the inferior Courts. It also has sole jurisdiction as regards Special Cases, which is an Application to the Court for a decision on an agreed statement of facts and certain applications such as Company Petitions which by statute or otherwise are bound to be presented to the Inner House. There is also vested in the Court of Session and exercised through the Inner House an equitable jurisdiction referred to as the *nobile officium* which allows the Court to entertain all manner of petitions and applications which do not fall within the normal framework of Court procedure, or even to modify the ordinary course of law. Finally the Inner House acts as a Court of Appeal against the decisions of sundry committees, tribunals and liquidators.

The Outer House judges or Lords Ordinary sit singly in separate Courts and are the judges who first hear all ordinary cases. Their decision is final if not appealed to the Inner House. In slander actions and certain actions for damages the Lord Ordinary may sit with a Jury. Certain Court business such as exchequer causes have been specially assigned by statute to particular Lords Ordinary.

THE HIGH COURT OF JUSTICIARY: The High Court of Justiciary is the Supreme Criminal Court in Scotland. It consists of all the senators of the College of Justice, viz: the Lord Justice General, the Lord Justice Clerk and the other thirteen Lords of Session, any one of whom may sit alone. The judges are known in their criminal capacity as Lords Commissioner of Justiciary. The High Court of

Justiciary has a universal jurisdiction as a Court of the first instance in all cases of major crimes, and may review certain decisions of inferior Courts. There was no appeal from the High Court of Justiciary until 1926 when by Act of Parliament an Appeal Court consisting of three High Court Judges was set up to review decisions of the High Court itself and also of certain decisions of the inferior courts which could not previously be reviewed. There is no appeal to the House of Lords. Proceedings in the High Court are instituted by the Lord Advocate at the public's expense. Although in certain circumstances a private prosecution is competent, such prosecutions are in practice unknown in Scotland.

THE SHERIFF COURT—*Civil Jurisdiction*: As regards its civil jurisdiction the Sheriff Court is broadly speaking comparable to the English County Court. Civil proceedings in the Sheriff Court fall naturally into five categories, i.e., (a) Small debt actions where the amount sued for or the value of the cause does not exceed £20. A small debt summons which is a printed schedule completed by the applicant is issued by the Sheriff Clerk on payment of 4/-. In small debt cases the Sheriff has power at his own hand to award an instalment decree. There is no appeal in the case of the Small Debt Court except in very special cases to the High Court of Justiciary. (b) Summary causes where the amount sued for or the value of the cause exceeds £20 but does not exceed £50. The Sheriff Court has sole and final jurisdiction in causes where the value is under £50. (c) Ordinary causes where the sum sued for or the value of the cause exceeds £50. In such cases the Sheriff Court has concurrent jurisdiction with the Court of Session. In practice actions for very large sums are now brought in the Sheriff Court particularly outside Edinburgh where the Court of Session tends to take precedence. (d) Summary applications which include a miscellaneous number of applications such as adoption proceedings, which under common law or statute may be brought before the Sheriff for disposal in a summary manner. (e) Certain actions between employee and employer.

In all cases other than the Small Debt Court a cause is originated by a Petition or Initial Writ which narrates the Pursuer's (or Plaintiff's) case in a series of numbered paragraphs. This writ also sets forth the remedy sought and indicates the legal propositions upon which the Pursuer relies. The Sheriff Clerk grants a warrant for service of the Writ on the defender (or defendant) on payment of 10/- Court dues. As the name implies, Summary and Small Debt cases are disposed of with much less formality than the ordinary causes. The Sheriff Court has no jurisdiction in the case of actions of divorce, or of actions of declarator involving the status of the individual, all of which must be taken to the Court of Session. Certain other actions are also specifically excluded from its jurisdiction. The judge in the Sheriff Court is normally a Sheriff Substitute who must be an Advocate or Solicitor of a number of years'

standing. The Sheriff Substitute lives in the Sheriffdom and is not permitted to practise on his own. Each Sheriffdom has, however, a Sheriff Principal, usually a K.C., who carries on a practice in Edinburgh. An appeal in most cases lies from the decision of the Sheriff Substitute to the Sheriff Principal and thence to the Court of Session. A cheap and efficient method of appeal is thus provided within the Sheriffdom itself. An appeal may also be taken direct from the Sheriff Substitute to the Court of Session.

CRIMINAL JURISDICTION: The common law criminal jurisdiction of the Sheriff Court extends to every description of crime within the Sheriffdom except such as are, by Statute or by long established practice, excluded. The crimes excepted are treason, murder, attempt to murder, and rape. Since a Sheriff cannot inflict a penalty exceeding two years imprisonment it is a question of the gravity of the alleged offence whether criminal proceedings should be taken in the Sheriff Court or the High Court of Justiciary. Proceedings are instituted by the Procurator Fiscal with the concurrence of the Lord Advocate.

OFFICERS OF THE COURT AND EXECUTION: The Officers of the Sheriff Court are known as Sheriff Officers and hold their commission from the Sheriff. The Court of Session Officers are known as Messengers-at-Arms and are appointed by the Lord Lyon King of Arms. All decrees and orders of the Court must be served by a Court Officer who is the person who carries out the diligence in enforcement of a Court decree. In order to enforce a decree an officer may attach and sell moveable property, arrest debts due to the defender in the hands of a third party, inhibit or prevent a defender from alienating his real property to the detriment of the Pursuer. Such procedure is known as diligence in execution. Diligence can only be carried out after due formality and at the risk of the Pursuer. It is no longer competent to imprison a defender in Scotland except in the case of a Crown or Alimentary debt or in the case where a Defender defies a Court order and is thus in contempt of Court.

(vii) *Legal Aid and Advice*

(The following provisions for legal aid and advice will come into operation by a series of "commencement orders" at dates to be determined by the Lord Chancellor.)

The Legal Aid and Advice Act, 1949, and the Legal Aid and Solicitors (Scotland) Act, 1949, established schemes to provide legal aid and advice for persons of limited means (known as "assisted

persons") and extended the arrangements for assisting poor persons in criminal proceedings.*

ADMINISTRATION: The administration of the Legal Aid and Advice Act is the responsibility of a committee of the Council of the Law Society. This Committee includes not less than three persons nominated by the General Council of the Bar and a member nominated by the Lord Chancellor. Expenses and administration costs incurred in the operation of the Act are paid by the Law Society out of the Legal Aid Fund, a fund which receives necessary moneys from the Treasury through the Lord Chancellor.

An Advisory Committee of members appointed for their knowledge of the work of the courts and social conditions, advises the Lord Chancellor in matters connected with legal aid and advice.

The general organisation will probably comprise twelve Area Committees, responsible for establishing and administering the legal aid scheme in their areas, including the appointment and supervision of local Committees. These Local Committees will deal in the first instance with applications for legal aid probably through "Certifying Committees" and will be able to dismiss frivolous, unreasonable or vexatious applications.

Free advice will be available to any person (and outside Great Britain for any member of the Armed Forces), and legal aid in litigation will be available to any person whose disposable income does not exceed £420 per annum and whose disposable capital resources do not exceed £500.

Assisted persons may be asked to contribute up to half the excess of disposable income above £156 and the excess of disposable capital above £75. Resources are determined by the National Assistance Board which will have power to disregard a further £75 capital in the case of an applicant with dependants.

Free legal aid is not given in connection with:

- (1) Proceedings wholly or partly in respect of defamation, breach of promise of marriage, the loss of the services of a woman in consequence of her rape or seduction, the inducement of one spouse to leave or remain apart from the other.
- (2) Proceedings for the recovery of penalty which may be initiated by any person where the whole or part of the penalty is payable to the person taking the proceedings.
- (3) Election petitions under the Parliamentary Elections Act, 1886, or the Municipal Corporations Act, 1882.

*Legal aid will be given in respect of proceedings in the following courts:

In England and Wales: the House of Lords, Court of Appeal, the High Court, County Courts, Quarter Sessions, and Courts of Summary Jurisdiction. Courts of a semi-judicial character will not be included in the first instance.

In Scotland: for civil proceedings, the House of Lords (on appeals from the Court of Session), the Court of Session, the Lands Valuation Appeal Court, the Scottish Land Court, the Sheriff Court; for criminal proceedings, the High Court of Justiciary, the Sheriff Court and Courts of Summary Jurisdiction.

- (4) Proceedings in the county court for or consequent on the issue of a judgment summons, and in the case of a defendant, proceedings where the only question to be brought before the court is as to the time and mode of payment by him of a debt.

PROCEDURE: A person entitled to receive legal aid will generally be able to choose his solicitor and barrister from panels appointed by the Area Committees.

The procedure is different in the case of divorce proceedings. Where in such a case the amount which the applicant is able to contribute towards costs does not exceed £10 the Local Committee will nominate a solicitor in charge of a "Divorce Unit" to be set up on the lines of the Services Divorce Department of the Law Society.

Costs recovered by a successful assisted litigant will be paid into the Legal Aid Fund.

The Legal Aid and Advice Act, 1949, also widens the existing provision of free legal aid for defendants under the Criminal Appeal Act, 1907, the Poor Prisoners' Defence Act, 1930, and the Summary Jurisdiction (Appeals) Act, 1933.

(At the time of writing, the following provisions for "Poor Persons" legal aid are still operative.)

IN THE HIGH COURT: Under the Poor Persons Rules of the Supreme Court (Order XVI, Rules 22 to 31H) which came into operation on April 6th, 1926, committees of the Law Society and provincial Law Societies have been set up which are empowered to admit persons to sue or defend in the High Court as poor persons. For this purpose a poor person is, generally speaking, one who is not worth more than £50, or in special circumstances £100 (excluding wearing apparel, tools of trade and the subject matter of the proceedings), and whose usual income from all sources is not more than £2, or in special circumstances, £4 a week.

The general system instituted is that the application of any would-be litigant whose means fall within the limits prescribed by the Rules will be considered by the appropriate Committee. In London this is the Poor Persons Committee of the Law Society, while in the provinces it is the Poor Persons Committee of the nearest local Law Society.

If the Committee is satisfied that the applicant is poor within the meaning of the Rules and has a good cause of action or a good defence to proceedings instituted against him or her, the Committee may grant a certificate. This certificate entitles the person to whom it is issued to sue or defend without payment of court fees and to receive the benefit of the professional services of a solicitor and, if necessary, of counsel.

Whilst no Court fees or legal costs are payable by persons admitted under the Rules, the other actual out-of-pocket disbursements incurred in the proceedings must be met. Before a certificate to sue

or defend is issued a deposit varying from £2 to £5 is required to be lodged with the Committee to meet such disbursements and at the conclusion of the proceedings the unexpended balance of deposit (if any) is returned to the applicant.

POOR PRISONERS DEFENCE ACT, 1930: Where it appears to be in the interests of justice that a Poor Person (that is, a person charged with an offence whose means are insufficient to enable him to obtain legal aid), whether he is actually in custody or not, should have legal aid either by reason of the gravity of the charge or other exceptional circumstances, Magistrates at the Police Court are empowered to grant a Legal Aid Certificate.

Under the same Act for cases committed to the higher Courts a defence certificate for legal aid may be granted by the Magistrates on committal or by the Judge or Chairman of the Court where the Poor Person is to be tried if, having regard to all the circumstances, it is desirable in the interests of justice that he should have legal aid in the preparation and conduct of his defence at the trial.

There is no particular time for making the request, but the Poor Person should, in his own interests, make the application at the earliest opportunity.

When a Legal Aid Certificate is given the Poor Person is entitled to have a solicitor assigned to him free of cost. When a Defence Certificate is granted the Poor Person is entitled to have a solicitor and counsel during the proceedings in the higher Court, also free of cost. The costs are defrayed out of local funds.

In the case of a Poor Person charged with murder the Court must grant a Legal Aid Certificate and the Magistrates may assign counsel to represent him.

DOCK DEFENCES: A prisoner may be able to obtain the help of counsel in the dock. It will cost him £1 3s. 6d. and he should ask the Judge or Chairman of the Court on being brought into the dock for trial whether he may choose one of the counsel in Court. The Judge or Chairman, if he thinks right, will assign counsel.

POOR MAN'S LAWYER DEPARTMENTS: In many towns of England and Wales such Departments are conducted by members of the legal profession in accordance with regulations laid down by the local Law Society.

Preliminary advice to those who cannot afford to pay is given free of charge as to the legal position, and if the circumstances justify it the applicant is referred to a solicitor, who will require the ordinary legal charges.

(viii) *The Police Force and Prison Service*

POLICE FORCE: The police service in England and Wales is essentially local in organisation, subject to a measure of central supervision and control. There are at present 133 separate police

forces in England and Wales of which the Metropolitan Police Force is by far the largest.

The Home Secretary is the police authority for the Metropolitan Police Force. In boroughs the police authority is the Watch Committee of the borough council, and in counties the police authority is the Standing Joint Committee (half the members being county councillors and half being Justices of the Peace).

The Government grant half of approved police expenditure, the remaining half being met from local rates; all forces other than the Metropolitan force are inspected annually by H.M. Inspectors of Constabulary who report on their efficiency to the Home Secretary.

Police forces in Scotland are established and maintained by local police authorities—in certain large burghs the town council and outside such burghs the county council—subject to the general supervision of the Secretary of State for Scotland.

The main duties of the police are the preservation of peace, protection of life and property, and the prevention and detection of crime. Most forces now include a small number of policewomen and the appointment of a proportion of women police is officially encouraged.

PRISONS: Prisons in England and Wales are controlled by the Prison Commission under the Home Secretary, and in Scotland by the Prisons Department for Scotland under the Secretary of State for Scotland. Detailed regulations are made as to the dietary, treatment, punishment and privileges of persons committed to prisons.¹

Civil and criminal prisoners are completely separated; the former are allowed to wear their own clothing and to receive additional visits and letters.

At every prison there is a Reception Board consisting of the Governor and other persons appointed by the Prison Commissioners. The Reception Board interviews all prisoners as soon as possible after their reception and classifies them according to age, character, and previous history. Classification is intended to prevent the association of persistent criminals with those who are not of corrupt or criminal habits and to separate the younger and more vigorous men from those of poor physique or mentality.

All prisoners under 21 years of age are placed in the Young Prisoners Class. Prisoners of 21 years of age and over who have not previously been in prison are placed in the Star class unless the Board considers that in view of their record or character they are likely to have a bad influence on others. The Reception Board may also place in the Star class a prisoner of 21 years and over who has previously been in prison, if they are satisfied that he is not likely to have a bad influence on others. (A man in the Star class whose character shows him to be unfit to associate with other

¹The Prison Rules, 1949 Statutory Instrument No. 1073, H.M. Stationery Office.

prisoners of that class can be moved to the Ordinary class at the discretion of the Governor.)

REMISSION: Any prisoner sentenced to a period of imprisonment exceeding one month may "by good conduct and industry" become eligible for remission of up to one third of the whole sentence. Any remission of sentence must not reduce the period of imprisonment to less than thirty-one days.

LETTERS AND VISITS: Every prisoner is allowed to write and receive a letter on reception and thereafter once in four weeks, to receive a visit once in four weeks if he is in the Young Prisoners' class or Star class and to receive a visit once in eight weeks if he is in the Ordinary class. (A civil prisoner may write and receive one letter per week.)

EDUCATION AND LIBRARIES: Every prison has a library and prisoners are allowed to borrow and exchange books as often as practicable. Evening educational classes are arranged and all prisoners who wish, may be allowed, at the discretion of the Commissioners, to improve their education by correspondence courses, private study or handicrafts. The education of illiterate prisoners receives special attention, during normal working hours, where necessary.

(ix) *Aid on Discharge and After-Care*

AID ON DISCHARGE: This is the term usually applied to the work of the Discharged Prisoners' Aid Societies on behalf of short-term prisoners discharged from local Prisons.

In England and Wales there are thirty-eight local Discharged Prisoners' Aid Societies, most of which carry out their duties at the local prison centres. Others continue to operate in counties where a prison no longer exists, and for this purpose co-operate with their neighbouring Societies at the local prisons.

Each Society is responsible for short-term prisoners committed from Courts within their own area, and who serve their sentences in one or other of the local prisons.

A notice appears in every prisoner's cell advising him of the existence of the Society and how to apply for assistance. The applicant is interviewed by a committee of the Society which decides on the amount and nature of help to be given. The most satisfactory and most appreciated form of assistance is work on release if that can be found. Clothing, board and lodging, fares, tools, etc., are provided by the Societies when these are required, within limits imposed by the funds of the Societies, which are financed by voluntary subscriptions supplemented by a small Government grant.

All local Discharged Prisoners' Aid Societies in England and Wales are linked together in the National Association of Discharged Prisoners' Aid Societies (Inc.).

Certain cases, which the Prison Authorities deem worthy, are

transferred from local Prisons to serve their sentences of ordinary imprisonment in Regional Prisons, or Training Centres, such as Wakefield, Maidstone, Sudbury Park, The Verne, Portland, for men; and Askham Grange, York, for women.

The responsibility for aid-on-discharge for these cases rests with the National Association, and not with the local affiliated Societies.

AFTER-CARE: Prior to the Criminal Justice Act 1948, there were three separate bodies dealing with discharges from Convict Prisons and Borstal Institutions, most of whom were subject to a licence from the Secretary of State.

They were:

1. *The Aylesbury After-Care Association*, for Borstal girls and women convicts released on licence.
2. *The Borstal Association*, for Borstal youths released on licence.
3. *The Central Association for the Aid of Discharged Convicts*, for men released from penal servitude on licence.

These three bodies were financed almost entirely by Government grants.

With the coming into force of the aforementioned Act, penal servitude was abolished, and in its place provision was made for sentences of Corrective Training and Preventive Detention.

Persons released from these sentences are subject to a new licence, not to the police—as was the case with the penal servitude licence—but to an Approved Society. Section 22 of the Act also provides that certain cases, with previous proved offences, who are sentenced to terms of ordinary imprisonment, must report their addresses to the Approved Society.

Accordingly, the Secretary of State decided that the three Associations aforementioned should be merged to form one Central After-Care Association, and this became effective in April 1949.

The new Central After-Care Association is entirely financed by Government grant. It is governed by a Council approved by the Secretary of State.

In Scotland, similar work is carried on by the Scottish After-Care Council.

PRISON VISITING: Voluntary Prison Visitors are appointed at each prison, on a yearly basis, by the Prison Commission, usually on the recommendation of the Governor, or Chaplain, of the prison concerned.

The Visitors have their own local committee, which becomes the Branch of the National Association of Prison Visitors.

ADDRESSES OF MINISTRIES AND ORGANISATIONS REFERRED TO IN CHAPTER 9
Home Office,

Whitehall, S.W.1.

Tel.: WHItchall 8100.

Office of the Lord Chancellor,

House of Lords, S.W.1.

Tel.: WHItchall 6240.

- Office of the Solicitor General,
Royal Courts of Justice, W.C.2.
Tel.: WHItchall 1234.
- The Law Society,
113 Chancery Lane, W.C.2.
Tel.: HOLborn 9446.
- The National Association of Discharged Prisoners'
Aid Societies (Inc.), 66, Eccleston Square, S.W.1.
Tel.: VICtoria 9717.
- The Central After-Care Association,
Director of Women and Girls After-Care,
66, Eccleston Square Mews, S.W.1.
Director of Borstal After-Care,
19 Chester Square, S.W.1.
Director of Men's After-Care,
66 Eccleston Square, S.W.1.
- The National Association of Prison Visitors,
67, Chaucer Road, Bedford.

WAR PENSIONS AND ALLOWANCES

i. *Central Administration*: ii. *General Principles of Awards*: iii. *Awards in respect of Disablement*: iv *Awards in respect of Death*.

(i) *Central Administration*

The Ministry of Pensions is the responsible authority for providing compensation for all casualties, officers and other ranks (men and women) who have served since September 2nd, 1949, in the Royal Navy, Army, Royal Air Force and their Auxiliary Forces and the Home Guard, also to members of the Mercantile Marine, Fishing Fleets, Pilotage and Light Vessel Services and to the crews of ships temporarily forming part of the Royal Navy in all waters, under the Pensions (Navy, Army, Air Force and Mercantile Marine) Act, 1939, as amended by the Pensions (Mercantile Marine) Act, 1942, and under various Orders in Council, Royal Warrants and Orders by the King, for providing compensation for casualties of the 1914-18 war. The Ministry's local Regional offices cover the whole of Great Britain.

The Ministry is assisted in its work by representative local War Pensions Committees. Their chief functions are to hear and consider complaints by persons in receipt of, or claiming, pensions.

(ii) *General Principles of Awards*

A man serving on a normal regular engagement, not being a service pensioner, who is eligible for a disability pension, may have an award under the normal regulations of the appropriate Service Department or an award as for a non-regular.

The normal regulations provide:

- (a) a disablement element on a scale according to the degree of disablement,
- (b) a rank element based on the length of service in each rank higher than the basic rank and its equivalent, and
- (c) a service element.

A disablement element and a service element cannot both be drawn in full; whichever is the greater is drawn in full, together with one-half of the lesser.

The Ministry of Pensions will award whichever pension is better for the man at any given time in all circumstances of the case. Regular service members who have sufficient service counting for pensions under the Regular Service regulations may find it to their benefit to receive pensions under those regulations. These regulations are beneficial only when the man has at least fourteen years' service counting for pension to entitle him to a service element of pension. It is not possible to benefit under both codes at the same time.

The Royal Warrant (Cmd. 7699) which came into operation as

from June 1st, 1949, replaces the previous Warrants concerning the retired pay, pensions, and other grants for disabled members of the Military Forces, and of the Nursing and Auxiliary Services and for the widows and other dependants of such members who died in consequence of service after September 2nd, 1939.¹

The basic condition is that the disablement or death of a member of the military forces is due to service. It must be certified that:

- (a) the disablement is due to a wound, injury, or disease which:
 - (i) is attributable to service; or
 - (ii) existed before or arose during service and has been and remains aggravated thereby; or
- (b) the death was due to or hastened by:
 - (i) a wound, injury, or disease attributable to service; or
 - (ii) the aggravation by service of an injury which existed before or arose during service.

Where the disablement or death on which the claim is based (other than a claim in respect of service in the Territorial or Reserve forces) takes place not later than seven years after the termination of service, the onus is *not* on the claimant to prove that the above conditions are fulfilled and the benefit of any reasonable doubt is given to the claimant. Where the injury or disease was not noted in a medical report made at the commencement of the claimant's service, a certificate is given unless the evidence shows that the conditions set out above were not fulfilled. Where the claim arises out of service in the Territorial or Reserve forces it is necessary for the claimant to establish that the necessary conditions are fulfilled.

Where the disablement is claimed, or death takes place, more than seven years after the termination of service, a certificate is only given if it is shown that the conditions set out above are fulfilled. Where the claim is in respect of a death, the member must at some time have been in receipt of a pension awarded by the Minister in respect of a wound, injury, or disease which was a cause of death, and the death must have been due to or *substantially* hastened by a wound, injury, or disease attributable to service, or by the aggravation by service of a wound, injury, or disease existing before, or arising during, service.

Where there is no note in a contemporary official record of a material fact on which a claim is based, other reliable corroborative evidence of the fact may be accepted.

(iii) *Awards in Respect of Disablement*

Awards will not take effect before the termination of service, and may be withheld or reduced if service is terminated voluntarily or on account of misconduct.

DEGREE OF DISABLEMENT: The degree of disablement is determined by making a comparison between the condition of the

¹By Royal Warrant (Command 6528), Pay, Pensions and Grants for members disabled in the Great War (1914-18) were brought into line with the rewards set out hereafter.

disabled member and that of a normal healthy person of the same age and sex, without taking into account:

- (a) the earning capacity of the disabled member in any trade or occupation; or
- (b) the effect of any individual factors or extraneous circumstances.

The degree of disablement is certified by way of a percentage, total disablement being represented by 100%. Thus the total loss of sight is assessed at 100%; the loss of a thumb on the right hand at 30%. Where the disablement is not due to any of these specified disablements and is certified at less than 20%, a gratuity or weekly allowance with or without a final gratuity instead of a pension may be awarded.

RATES OF PENSIONS AND GRATUITIES: The rates, which vary according to the rank or status and the degree of disablement, are laid down in Schedules. The rates of pensions for officers range from £420 per annum for a major-general, 100% disablement, to £210 for a subaltern with the same degree of disablement. In the case of disabled soldiers, the rates for 100% disablement range from 61/8 per week for a warrant officer, Class 1, to 45/- per week for privates. The rates for women members are slightly less than those laid down for the corresponding ranks of male members.

The rates of gratuities vary according to

- (a) the degree of disablement (1% to 5%; 6% to 14%; 15% to 19%);
- (b) the estimated duration of the disablement (less than one year; more than one year; indeterminate); and
- (c) the rank of the disabled person.

For instance, the rates for male officers, 15% to 19%, duration indeterminate, range from £400 for a major-general to £200 for a captain or subaltern. The rates for women of corresponding status are on a lower scale. For "other ranks" the corresponding weekly allowances for soldiers vary from 11/- for a warrant officer, Class 1, to 8/6 for a private. The rates for women members are generally slightly less. In addition, an allowance of 1/- a week may be made for a wife or husband and for each child.

For certain specified minor injuries (chiefly injuries to parts of the fingers or toes) fixed gratuities are prescribed.

FAMILY ALLOWANCES: The rates for 100% disablement are as follows:

	<i>Officers (yearly rate)</i>	<i>Other ranks (weekly rate)</i>
(a) Wife, husband, or unmarried dependant living as wife	£ 36	s. d. 10 0
(b) Children:		
(i) if there is an allowance under (a):		
each child	30	7 6
(ii) if no allowance under (a)		
first child	36	10 0
each other child	30	7 6

Where a wife, husband, or child is living apart from the claimant, the award is at the discretion of the Minister. No allowance is granted in respect of an unmarried dependant living as a wife unless she has charge of an eligible child of the claimant, or has attained the age of 40, or is incapable of self-support. No allowance will be awarded in respect of a husband unless he has been in receipt of regular and substantial support from the claimant for a substantial period (not less than six months) *and* he is incapable of self-support *and* in need. These conditions must also be satisfied before an award can be made to a wife in respect of her husband's children (not being her own children). An award in respect of a child normally expires when the child reaches the "child's age limit", i.e. the age of 18 if the member was an officer or warrant officer (Class 1), or the age of 16 in other cases.

EDUCATION ALLOWANCES: An award may be made for the purpose of a child's education if (a) the child has attained the age of 5, and (b) the family circumstances require an award, and (c) the Minister is satisfied that the type of education is suitable for the child. The maximum award is £80 for any period of twelve months. The above provisions are equally applicable to officers and to other ranks.

ALLOWANCES FOR CONSTANT ATTENDANCE: This allowance may be awarded where a claimant is in receipt of a pension on the basis of 100% disablement, and constant attendance is necessary. The maximum rates are normally £100 a year in the case of officers, and 20/- a week in other cases. In exceptional cases of very severe disablement where 20/- is inadequate, the rate may be increased up to £104 a year in the case of officers and 40/- per week in other cases.

CLOTHING ALLOWANCE: A man or woman in receipt of a pension for the loss of a limb, who wears an artificial one, may receive a clothing allowance at the rate of £8 a year for a double, and £5 a year for a single, amputation case. An allowance not exceeding £8 a year may be made in other cases where there is exceptional wear or tear.

SPECIAL ALLOWANCE FOR UNEMPLOYABLE PENSIONERS: Where a pensioner is so seriously disabled that he is unemployable, he may be awarded a supplementary to his pension, normally at the rate of £78 a year. He may receive allowances for his wife and children. In determining whether the pensioner is unemployable, any earnings of under £52 a year are disregarded.

ALLOWANCES FOR LOWERED STANDARD OF OCCUPATION: A special allowance which will bring the particular disablement pension up to the 100% rate may be paid to a disabled man or woman who is permanently incapable of resuming his or her former occupation or of being trained for one of equivalent standard.

TREATMENT AND REHABILITATION: A member of the Forces, disabled by war service, may receive, subject to certain conditions, an allowance for any period during which he is receiving approved treatment. The allowance consists of a personal allowance and an additional allowance for any eligible dependant. The rates are

normally those applicable where the disablement is 100%. The payment of pensions is normally suspended while the member is in receipt of treatment allowance.

Where prolonged abstention from work is necessary, following institutional treatment, a member may be awarded a treatment allowance and an additional allowance if he is not in receipt of sickness or disablement benefit.

Allowances may also be awarded for part-time treatment.

(iv) Awards in Respect of Death

Ordinarily a pension or similar allowance is not payable during a period for which a payment for service is continued after the death of a member of the forces. If, however, such payment is less than the pension or allowance which might otherwise be awarded, the difference may be paid.

WIDOWS: Pensions may be awarded to the widows of officers and other ranks. The ordinary rates of pension for widows of officers up to and including the rank of major, and of other ranks, are increased where the widow is over 40, or incapable of self support, or is in receipt of an allowance in respect of a child. When a child, for whom an allowance is payable, dies, the pension continues payable at the higher rate for thirteen weeks following the child's death.

The above pensions are not payable to a widow who is separated from her husband at the time of death unless the separation was caused by the husband's mental instability arising from service. Such a widow may, however, receive a pension if:

- (a) she was entitled to payments from her husband under a maintenance or separation order, and had been receiving them, or taking reasonable steps to obtain them, for a substantial period (normally six months) before his death; or
- (b) her husband had, throughout such a period, contributed to a reasonable extent to her support.

The rates of such pensions are at the discretion of the Minister but may not exceed the amount normally received under (a) and (b) above, and in any case may not be greater than the rate which would have been payable had there been no separation.

A gratuity may be paid to the widow of an officer who has been killed in action or on flying duty, or who has sustained wounds in action from which he died within seven years. The widow must be eligible for a pension.

UNMARRIED DEPENDANTS LIVING AS WIVES: A temporary pension may be awarded to an unmarried dependant living as a wife if the dependant has charge of a child of the member and receives an allowance for the child. The maximum rates are £95 a year where the member was an officer, or 27/6 a week in the case of a soldier.

RENT ALLOWANCES TO WIDOWS, AND UNMARRIED DEPENDANTS LIVING AS WIVES, WHO HAVE CHILDREN: Where a widow, or unmarried dependant living as a wife, is in receipt of a pension, and her household comprises a child for whom she is receiving an allowance, a supplementary allowance may be granted. The amount of the allowance will be fixed according to the circumstances of each case (particularly the extent to which the weekly rent and taxes exceed 8/-), subject to a maximum of 15/- weekly.

PENSIONS TO WIDOWERS: The widower of a woman member may be awarded a pension if he was dependant on her and is in need, provided he was not separated from her at the date of her death. The amount of the pension is at the discretion of the Minister and is subject to limits of £95 a year where the member was an officer and 35/- a week in any other case.

ALLOWANCES IN RESPECT OF CHILDREN UNDER THE AGE LIMIT: Allowances in respect of children of deceased members may be awarded at the rate of £36 a year for each child in the case of deceased officers, and at the rate of 11/- a week for each child in the case of other ranks. These rates apply when the children are legitimate. In the case of illegitimate children, the amount of the allowance depends on the circumstances of each case. Where the child is not under the control of the widow (or widower), the allowance may be increased up to a limit of £60 in the case of officers or 13/6 a week in other cases. This limit may be raised to 20/- if the child is 15 or over.

PENSIONS TO MOTHERLESS OR FATHERLESS CHILDREN UNDER THE AGE LIMIT: These pensions may be awarded to legitimate children at the rate of £60 a year where the member was an officer, or 13/6 a week in other cases. This limit may be raised to 20/- if the child is 15 or over. Where the child is illegitimate, the amount is at the discretion of the Minister.

PENSIONS TO PARENTS: A parent of a member may be awarded a pension if he is in pecuniary need by reason of old age, or infirmity, but if the widow, unmarried dependant living as a wife, or widower is in receipt of a pension, a pension to the parent will not be awarded unless the parent was dependent on the member. The normal maximum rates are:

- (a) where the member was a male officer, £75 a year for one eligible parent, or £100 a year where there is more than one eligible parent; or the appropriate rate of a widow's pension under Article 670 of the Pay Warrant, whichever is the greater;
- (b) where the member was a woman officer, £75 a year for one eligible parent, or £100 where there is more than one eligible parent;
- (c) in any other case, 20/- a week for one eligible parent, or 27/6 a week where there is more than one eligible parent.

In exceptional cases these rates may be increased.

In determining whether a parent is in need, a basic means limit is adopted. This is 40/- for one parent and 60/- for two parents and in making the assessment the first 20/- of any earnings and the first 20/- of any personal disability pension are disregarded. These limits may be increased by the excess over 15/- of the son's net weekly contribution or potential net contribution to his parents' support.

Normally only one award is made to a parent, even though the conditions for the award of a pension may be fulfilled in respect of two or more deceased members.

PENSIONS TO OTHER DEPENDANTS: A pension may be awarded to another dependant if he was dependent on the member and is in pecuniary need and incapable of self-support, but not more than one such dependant's pension may be awarded except in the case of juvenile dependants. The Minister decides which of two or more eligible dependants shall receive the award and determines the amount. Normally the amounts for juvenile dependants do not exceed the following limits:

- (a) For officers' dependants, £26 a year for each juvenile, the aggregate not to exceed £75 a year or in the case of male officers the appropriate rate of a widow's pension under Article 670 of the Pay Warrant.
- (b) For dependants of other ranks, 6/- a week for each juvenile the aggregate not to exceed 20/- a week.

In the case of any other dependant, the usual limits are £54 a year where the member was an officer, or 20/- a week in any other case.

REMARRIAGE OF FEMALE PENSIONERS, ETC: Normally a pension to, or allowances in respect of, a female person ceases if that person remarries or cohabits with some other person as his wife.

GENERAL: It should be borne in mind that in making awards, the Minister may also take into account certain other compensation for which the pensioner may be eligible. The compensation referred to comprises payments provided for by Order in Council, etc.; damages recoverable at Common Law; and payments made under any law or scheme promulgated outside the United Kingdom. The Minister may also make deductions where a pensioner receives help from the National Assistance Board.

Pensions may be forfeited if the pensioner is (a) serving a term of imprisonment, or is detained in a Borstal institution, approved school or remand home; or (b) is deported from the United Kingdom; or (c) is unworthy of a grant from Public Funds.

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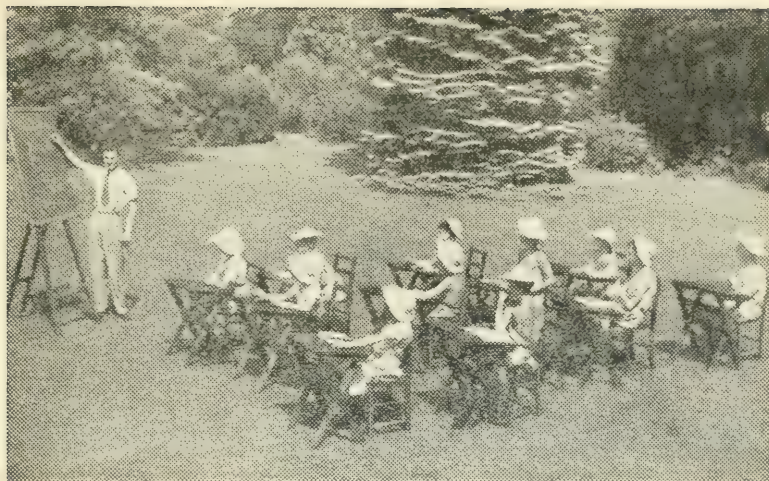
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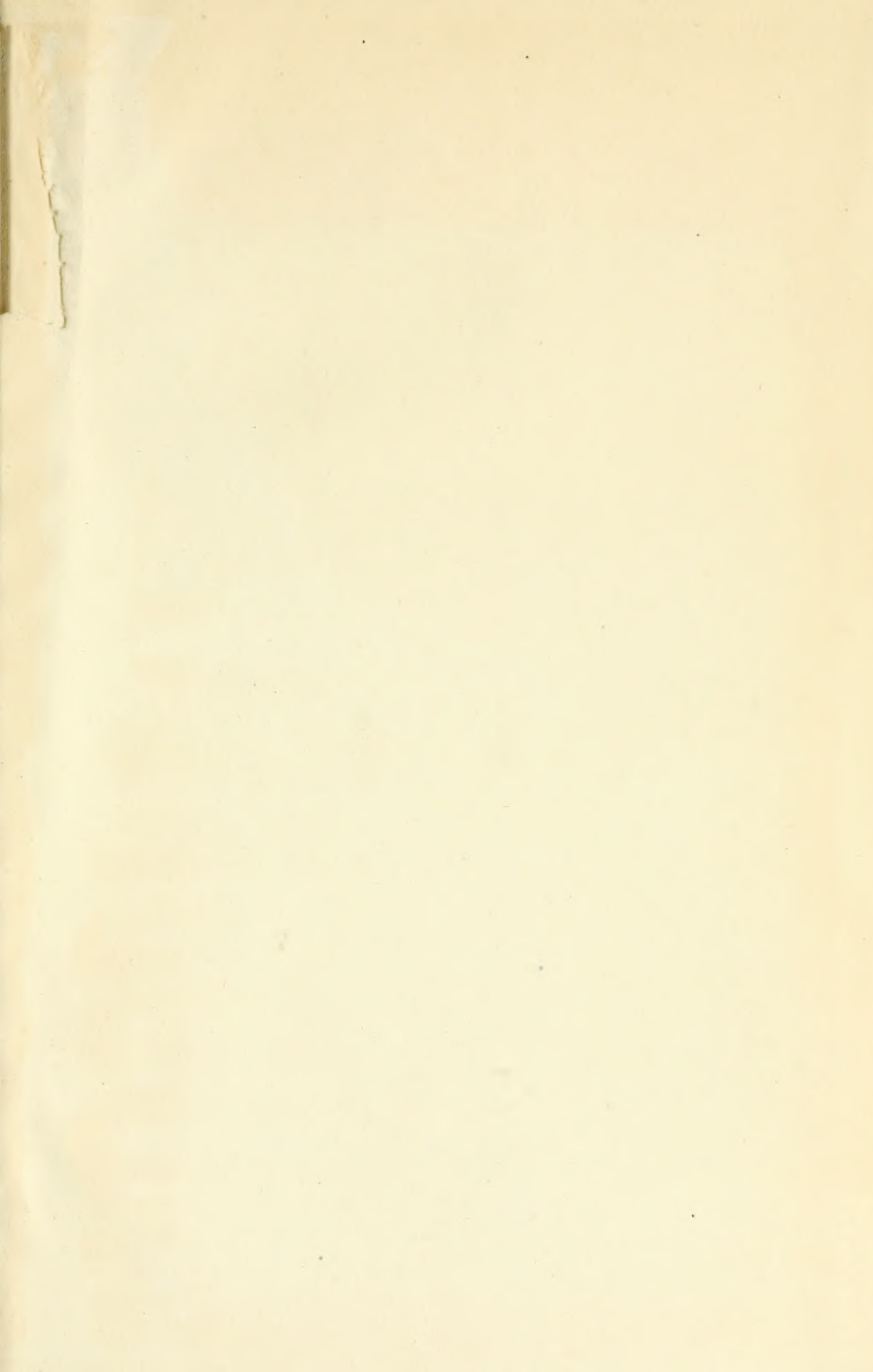
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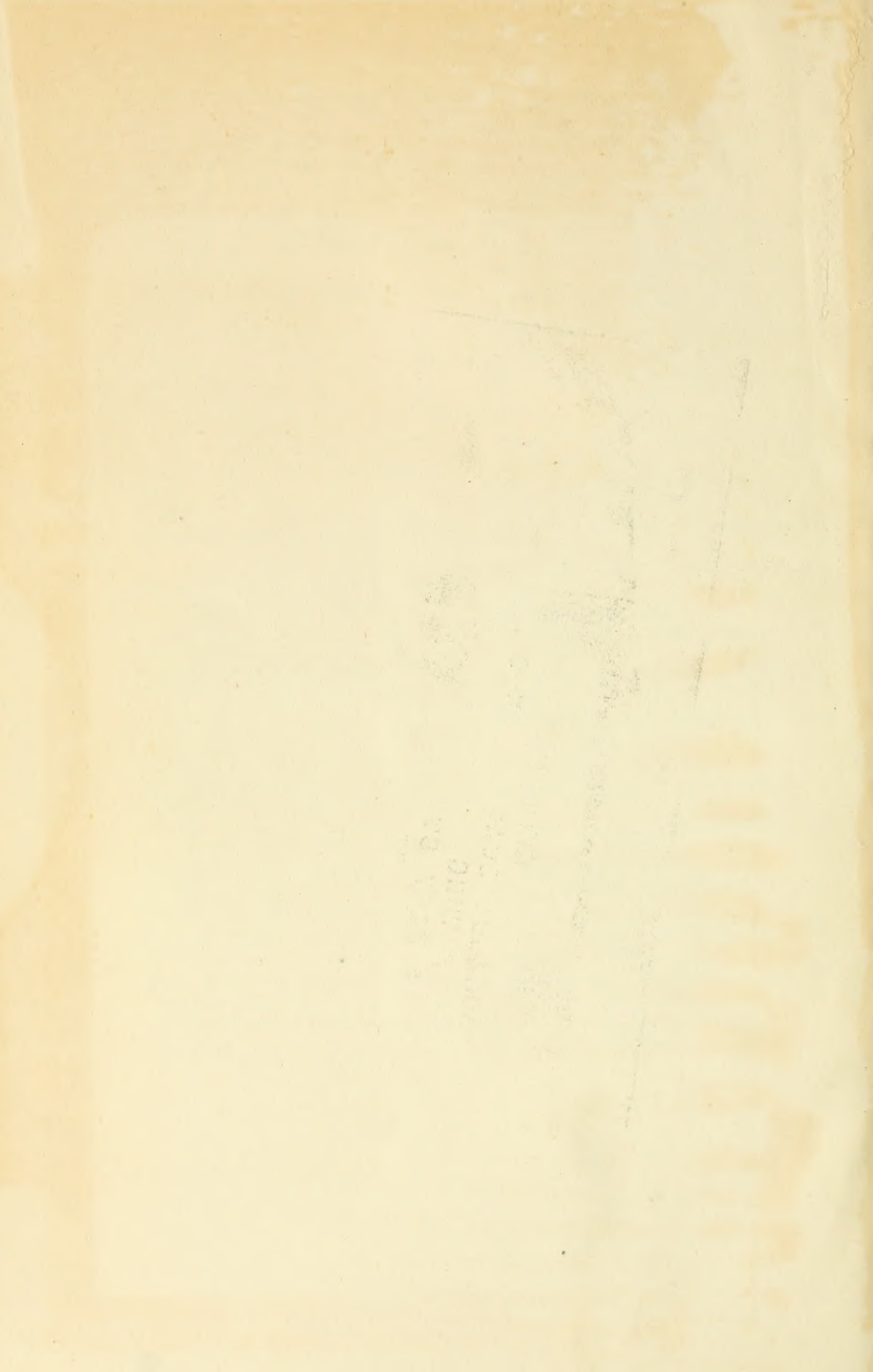
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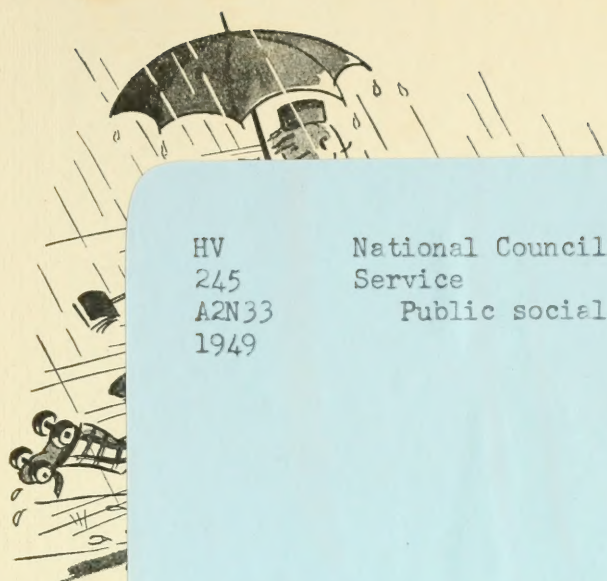
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